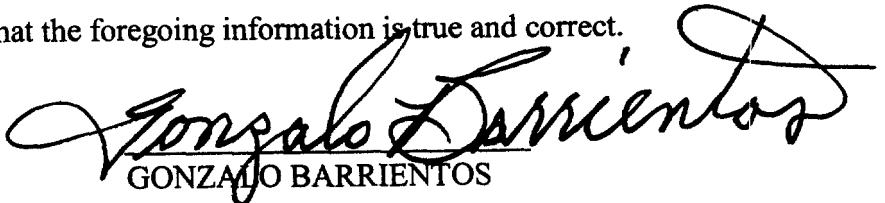


DECLARATION OF GONZALO BARRIENTOS

Pursuant to 28 U.S.C. §1746, I declare that:

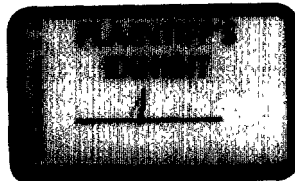
1. My name is Gonzalo Barrientos and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
3. In the 2003 regular session and the first called session, the two-thirds Rule was in effect in the Texas Senate. After the first called session started, at least eleven senators joined together and announced that they would oppose any congressional redistricting bill from being considered by the Texas Senate. This had the effect of blocking any consideration of congressional redistricting by the full senate in the first special session of 2003. In 2001, Anglo Republican Senators also utilized the protection of the two-thirds Rule to block a congressional redistricting plan from being considered by the Texas Senate.
4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ^{eleven} ~~twelve~~ Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


GONZALO BARRIENTOS

Dated:

7/28/03

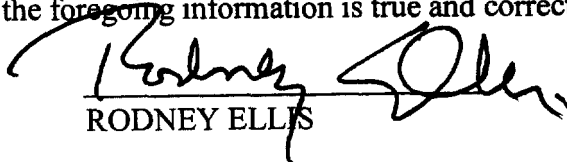


DECLARATION OF RODNEY ELLIS

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Rodney Ellis and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
3. In the 2003 regular session and the first called session, the two-thirds Rule was in effect in the Texas Senate. After the first called session started, at least eleven senators joined together and announced that they would oppose any congressional redistricting bill from being considered by the Texas Senate. This had the effect of blocking any consideration of congressional redistricting by the full senate in the first special session of 2003. In 2001, Anglo Republican Senators also utilized the protection of the two-thirds Rule to block a congressional redistricting plan from being considered by the Texas Senate.
4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~ELVIS~~ ^{ELVIS} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


RODNEY ELLIS

Dated:

7/28/03



DECLARATION OF EDDIE LUCIO, JR.

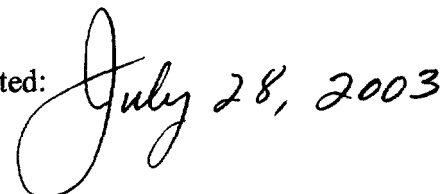
Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Eddie Lucio, Jr. and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
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4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~ ^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


EDDIE LUCIO, JR.

Dated:



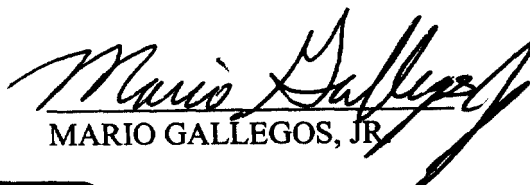


DECLARATION OF MARIO GALLEGOS, JR.

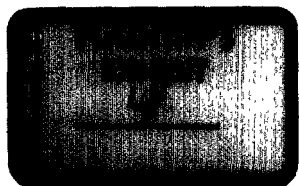
Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Mario Gallegos, Jr. and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
3. In the 2003 regular session and the first called session, the two-thirds Rule was in effect in the Texas Senate. After the first called session started, at least eleven senators joined together and announced that they would oppose any congressional redistricting bill from being considered by the Texas Senate. This had the effect of blocking any consideration of congressional redistricting by the full senate in the first special session of 2003. In 2001, Anglo Republican Senators also utilized the protection of the two-thirds Rule to block a congressional redistricting plan from being considered by the Texas Senate.
4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~ ^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


MARIO GALLEGOS, JR.

Dated:



DECLARATION OF JUAN "CHUY" HINOJOSA


Pursuant to 28 U.S.C. §1746, I declare that:

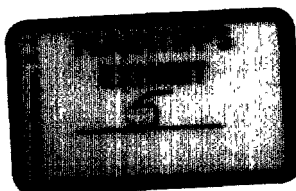
1. My name is Juan "Chuy" Hinojosa and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
3. In the 2003 regular session and the first called session, the two-thirds Rule was in effect in the Texas Senate. After the first called session started, at least eleven senators joined together and announced that they would oppose any congressional redistricting bill from being considered by the Texas Senate. This had the effect of blocking any consideration of congressional redistricting by the full senate in the first special session of 2003. In 2001, Anglo Republican Senators also utilized the protection of the two-thirds Rule to block a congressional redistricting plan from being considered by the Texas Senate.
4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ^{eleven} ~~twelve~~ Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


JUAN "CHUY" HINOJOSA

Dated:

7-28-2003




DECLARATION OF FRANK L. MADLA

Pursuant to 28 U.S.C. §1746, I declare that:

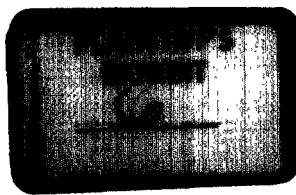
1. My name is Frank L. Madla and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
3. In the 2003 regular session and the first called session, the two-thirds Rule was in effect in the Texas Senate. After the first called session started, at least eleven senators joined together and announced that they would oppose any congressional redistricting bill from being considered by the Texas Senate. This had the effect of blocking any consideration of congressional redistricting by the full senate in the first special session of 2003. In 2001, Anglo Republican Senators also utilized the protection of the two-thirds Rule to block a congressional redistricting plan from being considered by the Texas Senate.
4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


FRANK L. MADLA

Dated:

7-28-03



DECLARATION OF ELIOT SHAPLEIGH

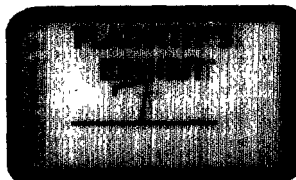
Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Eliot Shapleigh and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
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4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~ ^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct


ELIOT SHAPLEIGH

Dated: July 28, 2003



DECLARATION OF LETICIA VAN DE PUTTE

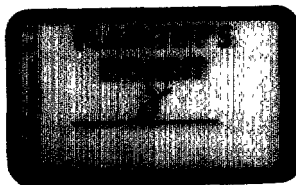
Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Leticia Van de Putte and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
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4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


LETICIA VAN DE PUTTE

Dated:

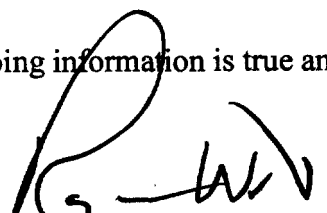


DECLARATION OF ROYCE WEST

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Royce West and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
3. In the 2003 regular session and the first called session, the two-thirds Rule was in effect in the Texas Senate. After the first called session started, at least eleven senators joined together and announced that they would oppose any congressional redistricting bill from being considered by the Texas Senate. This had the effect of blocking any consideration of congressional redistricting by the full senate in the first special session of 2003. In 2001, Anglo Republican Senators also utilized the protection of the two-thirds Rule to block a congressional redistricting plan from being considered by the Texas Senate.
4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~ ^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

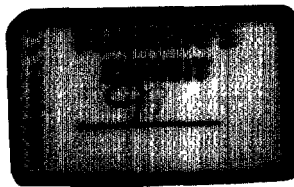
I declare under penalty of perjury that the foregoing information is true and correct.



ROYCE WEST

Dated:

July 28, 2003



DECLARATION OF JOHN WHITMIRE

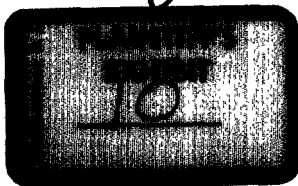
Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is John Whitmire and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
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4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ^{eleven} ~~twelve~~ Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
5. Nine of the members of the Texas Senate are minority group members: seven are Hispanics and two are African-Americans. Two other Senators, though Anglo, represent majority-minority districts. The unavailability of the two-thirds Rule in any special session in 2003 or 2004 is intended to have, and will in fact have a discriminatory result on minority voters and officeholders on account of their race, color, or membership in a language minority group.

I declare under penalty of perjury that the foregoing information is true and correct.


JOHN WHITMIRE

Dated:



DECLARATION OF JUDITH ZAFFIRINI

Pursuant to 28 U.S.C. §1746, I declare that:

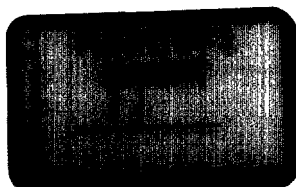
1. My name is Judith Zaffirini and I am a member of the Texas Senate.
2. The two-thirds Rule is a practice or procedure of the Texas Senate and is designed to protect a significant minority of Senators (*i.e.*, an excess of one-third) against any piece of legislation that is perceived to be against or harmful to their interests. When the two-thirds Rule is in effect, a third of the Senators present can block any piece of legislation from reaching the Senate floor. The Texas Senate is comprised of thirty-one members: twelve Democrats and nineteen Republicans. Thus, eleven members of the thirty-one member Texas Senate (35.5%) can band together to block a piece of legislation from being considered in the Texas Senate when the two-thirds Rule is in effect.
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4. Well in excess of 90% of the citizens of Texas who attended public field hearings during June and July 2003 and who took a position on redistricting (more than 6000 Texans in all) indicated that they opposed the Legislature's consideration of congressional redistricting. I am one of ~~twelve~~ ^{eleven} Senators who wish to avail myself of the use and protections of the two-thirds Rule in any special session held in 2003 or 2004 so that any congressional redistricting bill cannot be taken up in the Senate. My constituents' interests will be harmed if the protections of the two-thirds Rule are not available in the Senate during any special session held in 2003 or 2004.
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I declare under penalty of perjury that the foregoing information is true and correct.


JUDITH ZAFFIRINI

Dated:

7/28/03



**Statement by
Senator Bill Ratliff
July 14, 2003**

I have today advised Lieutenant Governor Dewhurst that I am in possession of a statement signed by 10 members of the Texas Senate stating their unalterable opposition to any motion to bring a congressional redistricting bill to the Senate floor. I have advised the Lieutenant Governor that I am adding my name to that statement.

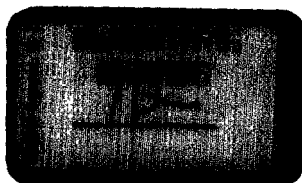
The Senate has now completed hearings across the state on this subject. Chairman Robert Duncan and the members of his committee have reported to the members of the Senate that the overwhelming majority of citizens appearing at these statewide hearings are opposed to such redistricting, including many local activist Republicans and locally elected Republican officials.

It is clear that those who are leading this effort apparently have no knowledge of, or regard for, the representative balance between the urban/suburban power base and the diminishing influence of the rural/agricultural community. The maps produced so far have indicated a total lack of concern for the communities of interest in rural Texas.

The current congressional lines produce 20 Republican seats, 19 of which have a Republican strength of at least 55%. The majority of the Senate members, in both parties, have indicated to me that the costs associated with this effort are not justified by the marginal gains to the Republican congressional delegation.

Moreover, most members of the Senate fear that the costs of this effort are far more serious than the mere financial cost of the litigation which is sure to follow. The costs anticipated by these members are associated with the level of animosity and distrust among members of the Senate which will result from such a vitriolic battle.

We, in the Senate, pride ourselves in being able to work in a bipartisan manner for the people of Texas - the same bipartisan spirit which President George W. Bush nurtured so vigorously and of which he was so proud when he was Governor. I will not be a part of the destruction of that spirit for the sake of a theoretical marginal partisan gain in the Texas congressional delegation.



JUL -29 03 (TUE) 13:38

PROCLAMATION

BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, federal law requires state legislatures to redraw congressional district lines after each decennial census; and

WHEREAS, the Texas legislature has not drawn new district lines to reflect the changes in Texas population since the results of the last census were released; and

WHEREAS, the people have placed the power to call and convene the legislature into special session in the hands of the Chief Executive Office of the State;

NOW, THEREFORE, I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article IV, Section 8, of the Texas Constitution, do hereby call a special session of the 78th Legislature, to be convened in the city of Austin, commencing at 3:15 p.m., Monday, the 28th day of July, 2003, for the following purpose:

To consider legislation relating to congressional redistricting.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 28th day of July, 2003.

Rick Perry

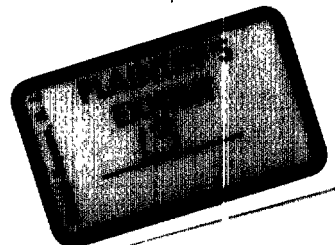
RICK PERRY
Governor of Texas

FILED IN THE OFFICE OF
SECRETARY OF STATE
3:12 PM

JUN 28 2003

ATTEST:

Gwynn Shea
GWYNNSHEA
Secretary of State





The House of Representatives

P.O. BOX 2010 • AUSTIN • 78768-2010 512-463-6820 FAX: 512-463-2000

RESOURCES MANAGEMENT - VICE CHAIRMAN
GENERAL INVESTIGATING
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JOE CRABB • STATE REPRESENTATIVE • DISTRICT 127

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FEB 13 2003

OPINION COMMITTEE

RQ-0017-GA

FILE # ML-42974-03

I.D. # 042974

February 11, 2003

The Honorable Greg Abbott
Attorney General of Texas
Attn: Opinions Committee
PO Box 12548
Austin, TX 78711-2548

Re: Opinion Request

Dear General Abbott:

As chairman of the House Committee on Redistricting, I am requesting an official opinion on the subject of congressional redistricting. I am requesting this from you since you are the chief legal officer of the State of Texas.

As you know, the congressional redistricting process was not addressed by the 77th Legislature. Therefore, a three-judge federal panel drew the map for the 2002 General Election, reflecting the 32 congressional districts awarded to the State of Texas.

I would like your official opinion as to the Legislature's legal rights and responsibilities. Was the map drawn by the three-judge panel a de novo map for the 2002 elections, since the Legislature had not acted? Does the Legislature have a mandated responsibility to enact a permanent map for the electoral period 2003 through 2010?

Thank you in advance for your assistance.

Sincerely,

Joe Crabb
Joe Crabb

JC/jay

Original by certified mail: 7001 2510 0008 9006 2526

Dewhurst: Redistricting dead this session

Perry expected to call a second special session

By Ken Herman

AMERICAN-STATESMAN STAFF

Friday, July 25, 2003

Score the Democrats as the winners of the second go-round in the redistricting rodeo at the state Capitol.

Republican Lt. Gov. David Dewhurst, acknowledging that his side does not have the votes needed to bring a congressional redistricting map to the Senate floor for debate, on Friday said the special legislative session will end Tuesday with no action.

"In essence, redistricting for this session is dead," said Dewhurst, adding, however, that he expects Gov. Rick Perry to call a second special session - or however many are needed - to complete the task. Each session is limited to 30 days and lawmakers can only consider issues brought up by the governor.

Democrats, though the minority in the House and Senate, successfully killed the GOP plan to redraw congressional maps during the 140-day regular session that ended in early June. The key action came when 51 House Democrats went to Oklahoma for several days to block action.

The House approved a new map during the special session that began June 29, but the effort died in the Senate when 11 Democrats and one Republican said they would not support an effort to bring any map to the floor for debate.

By tradition, it takes 21 votes in the 31-member Senate to allow action on any measure.

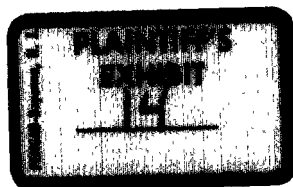
"We didn't have the votes to bring it up," Dewhurst said.

The lieutenant governor said he will bypass the 21-vote tradition in the next session, a move that would give Republicans the simple majority needed to move forward.

Senate Democrats, however, are considering whether to block that action by breaking the quorum, a move that would prevent any action.

Republicans are eager to draw new maps so they can get more U.S. House seats. Democrats now hold a 17-15 edge in the state delegation to the U.S. House.

Various maps under consideration would give Republicans as many as 22 of those seats.



AP/FWST ONLINE, 7/25/03

Dewhurst declares redistricting dead this special session

By Natalie Gott

By The Associated Press

AUSTIN - Lt. Gov. David Dewhurst on Friday declared congressional redistricting dead in this special legislative session, confirming that it wouldn't be debated or voted on by the full Senate before the term ends.

"In essence, redistricting in this session is dead," Dewhurst said. "We will continue to do everything we can to bring everyone together."

The special legislative session can last a maximum of 30 days and must end Tuesday.

A bloc of 11 Democrats and one Republican have been holding firm in opposing redistricting in the Senate. That's enough to keep the bill from coming up for debate under Senate rules.

A GOP-controlled Senate committee has approved a redistricting map on a party-line vote, but that's where the bill has stalled. Earlier, the Texas House approved a redistricting map.

Dewhurst said he is encouraging senators to work together to come up with a plan that is fair to all Texans.

Republican Gov. Rick Perry is expected to call another special session to take up redistricting, and Dewhurst said he expects that to be "sooner than later."

Dewhurst, also a Republican, has said in that session he would remove a rule requiring two-thirds of the 31-member Senate to agree to bring a bill up for debate.

Senate Democrats who oppose redistricting say they are considering all options, including a possible boycott to block a quorum, if another session is called and the two-thirds rule is eliminated. Two-thirds, or 21 senators, must be present to conduct business.

Currently Democrats have a 17-15 majority in the state's congressional delegation. Republicans, pushed by U.S. House Majority Leader Tom DeLay of Sugar Land, say they should hold the majority because of the state's GOP voting trends in recent elections.

Quorum Report July 25, 2003

DEWHURST DECLARES REDISTRICTING OVER THIS SESSION

But will there be a next session?

The Texas Senate adjourned this afternoon and will not resume until Monday. However, Lt. Governor **David Dewhurst** announced that he believes redistricting to be dead this session and looks forward to the next one.

Conventional wisdom says that Governor **Rick Perry** will immediately call the second special session next week.

Governor Dewhurst has said that he will not permit a blocker bill so that a simple majority can produce a map.

But ironically, the *Legislative Redistricting Board* upon which he sat two years ago may be the very reason he will be denied success in congressional redistricting.

Speculation has been transformed into relative certainty that eleven Democrats will not return to a second called special session, thereby busting the quorum.

Ironically, two years ago the Legislative Redistricting Board packed Senate Democrats into twelve districts. Of those twelve, eleven are so rock solidly Democratic that the senators might actually be in very serious jeopardy of primary opponents if they did not unite to break the Senate quorum. No Republican can win in those eleven districts so the only retribution possible would be in the Democratic primary.

This is in stark contrast with the House where white Democrats will likely face Republican challengers for their sojourn to Ardmore.

So, for the first time, capitol scuttlebutt is surfacing that the Governor may not call a special session.

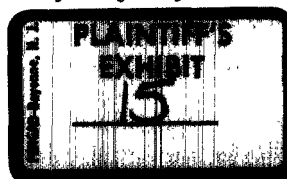
The core of the problem may well be that the Senate is at an impasse. Speaker **Tom Craddick** is adamant that there be an open west Texas seat anchored in Midland. To do that, Senate Jurisprudence Chairman **Robert Duncan** must all but give up a congressman anchored in his hometown of Lubbock --something he cannot do.

This open west Texas district compels all of the bizarre district configurations in the Staples map. As a result, there is no apparent consensus on a Senate map that could survive a conference committee much less a final vote in each chamber. To go through this drill again with little likelihood of ultimate success does not work to the Governor's advantage.

DECLARATION OF EDWARD BRIAN GRAHAM

Pursuant to 28 U.S.C. §1746, I, Edward Brian Graham, declare that:

1. My name is Brian Graham. I reside at 1311 Berkshire Drive, in Austin, Texas.
2. A brief description of work experience is as follows: I was employed in or around the Texas Legislature from November of 1971 through the end of the Regular Session in 2001. The specific positions I held during that period included: Capitol news correspondent, 1971-1972; campaign employee for a Republican candidate in a state senate race, 1972; Chief Clerk, House Committee on Elections, 1973-1977 (said to be the first to serve under both two different chairs and two different speakers); Executive Assistant to a Democratic member of the Texas House of Representatives, 1978-1981; assistant committee clerk, Senate Committee on Natural Resources, and press secretary to a minority member of the Texas Senate 1981-1983 (August); Researcher for the Comptroller of Public Accounts working as chief bill reader/analyst in the Legislative Analysis Group, 1983-1990, in which position, I among other things, conducted seminars and authored a manual on legislative rules and procedures (now in its sixth edition); Special assistant and head of Bill Tracking & Analysis section for the Lieutenant Governor, 1991-1998 (February); Texas Legislative Council, 1998-1999 (January); I officially retired from the state at the end of January, 1999, but was employed to conduct special research for the Secretary of the Texas Senate, Regular Session, 1999, and Regular Session, 2001. All those positions required a knowledge of the history, procedures and rules of the Texas Legislature, as demonstrated by the use of my manual in a private legislative training school in 1999 and by my being requested to provide pre-session training in legislative rules and procedures to the staff of the Texas Sunset Advisory Commission before the last four Regular Sessions. As outside employment I was employed by a number of political campaigns over the years to do legislative research including Peyton McKnight for Governor, 1982; Bob Bullock Comptroller Re-election, 1982; and on a number of occasions by Emory, Young & Associates (political consultants). My educational background is as follows: graduate, Marian High School, Houston, Texas (no longer operating); University of Notre Dame, BA-History (1966); some graduate work, University of Texas at Austin (Government) 1967-68.
3. I was requested by attorney J. Gerald Hebert to review actions of the Texas Senate taken during past redistricting cycles to determine whether there has been a particular practice or procedure in place with respect to congressional redistricting. More specifically, I was asked to determine if the Texas Senate has administered a practice or procedure in considering congressional redistricting legislation that required an extraordinary vote (*i.e.*, a vote of two-thirds or more) of the Texas Senate in order for the full Senate to take up such legislation. As detailed in Exhibit A to this Declaration, which is incorporated herein by reference, my "general finding...is that it appears to have been the practice of the Senate over virtually the entire Century to use methods requiring a vote or the approval of the extraordinary majority of the members of the Senate in order to



lay congressional redistricting legislation before the Full Senate for its consideration.”

4. With regard to the period from 1971 to the present, my review showed the following:
 - a. In 1971, during the regular session, the Texas Senate voted to ***Suspend the Regular Order of Business*** by unanimous consent to take up congressional redistricting. To suspend the Regular Order of Business requires an extraordinary or supermajority vote of the senate (a two-thirds vote). Although congressional redistricting legislation passed on second reading by a non-recorded vote, and the constitutional rule requiring a three day reading was suspended by a vote of 23 Aye, 5 Nay (a measure that requires approval of three-fourths of the senate), the measure died in conference committee. In the first called special session of 1971, congressional redistricting legislation ***passed by a combined motion to Suspend the Regular Order of Business***, pass on Second Reading, Suspend the Constitutional Rule and Pass on Third Reading. ***This practice or procedure required an extraordinary or supermajority of votes in order to pass.*** Thus, as of 1971, the practice or procedure used by the Texas Senate in considering congressional redistricting employed an extraordinary majority requirement before the full Senate would consider such legislation.
 - b. In 1981, Congressional Redistricting in the Senate during the 67th Legislature was governed by the terms of a Senate Resolution (SR 256), which provided that reapportionment measures were to be placed before the Senate under a Special Order, rather than by a Suspension of the Regular Order of Business. ***SR 256 was adopted by the Senate by a vote of 27 Aye, 1 Nay, and thus was approved by a supermajority.*** SR 256 established that these Special Orders would require only a majority vote for adoption, rather than the two-thirds vote normally required to set a Special Order. The specific provision providing for a Special Order by a majority vote was adopted on a separate vote of 21 Aye, 7 Nay—again a supermajority (three-fourths) of senators.
 - c. In 1991, an attempted suspension of the Regular Order of Business by unanimous consent, failed; ***then the Senate voted to suspend the Regular Order of Business, a measure that requires two-thirds of the Senate***, by a vote of 21 Aye, 10 Nay. Thereafter, the congressional redistricting bill passed on Second Reading by a voice vote, which was then followed by a vote to Suspend the Constitutional Rule (which requires an extraordinary or supermajority vote of three-fourths of the senate) by a vote of 26 Yeas, 5 Nays. The Constitutional Rule of having a bill lay over for three days having been suspended, the bill was then approved on Third Reading by a vote of 18 Yeas, 13 Nays.

- d. In 2001, no congressional redistricting measures were taken up in the Texas Senate. *At that time, the chair of the Senate Redistricting Committee (State Sen. Jeff Wentworth (R-San Antonio), was publicly quoted as stated that he would be unable to obtain the necessary two-thirds vote to bring a bill to the Senate Floor.*
- e. Attempts were made to pass congressional redistricting in both the Regular Session and First Called Session in 2003, but in both cases, no bill was brought to the Senate Floor. *Press accounts attributed the failure to the inability of the bill sponsors to obtain the necessary two-thirds vote required to suspend the Regular Order of Business* to consider such a bill. Included in those accounts were reports that all the Democratic members and one Republican member of the Senate had informed the Lieutenant Governor in writing that they would oppose such a motion.

I declare under penalty of perjury that the statements herein are, to the best of my knowledge, true and correct.

Dated: *Aug 10, 2003*

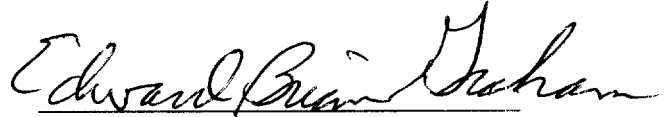

Edward Brian Graham

EXHIBIT A TO DECLARATION OF BRIAN GRAHAM

Congressional Redistricting and the Texas Senate During the 20th Century

My review of the official Senate Journal for the years of 1901 through 2001 shows that the Texas Senate voted on at least eleven (11) bills to reapportion the United States Congressional Districts in Texas over that 100 years.¹

The general finding of the review is that it appears to have been the practice of the Senate over virtually the entire Century to use methods requiring a vote or the approval of the extraordinary majority of the members of the Senate in order to lay congressional redistricting legislation before the Full Senate for its consideration.² All official decisions on how to bring a congressional redistricting bill to the Senate Floor during the period I studied were made by motions on the Senate Floor and by votes of the members of the Senate themselves. In addition, any changes in those procedures were approved by an extraordinary majority vote. The Lieutenant Governor cast no votes on those occasions nor was he empowered to change any of the procedures.

The only significant variation from this policy was in 1981 when only a majority vote was required. However, in the case of 1981, the Journal shows that, the decision to change from an extraordinary majority was approved by the vote of an extraordinary majority of the Senate. (The only other possible variation was in a Special Session in 1933 when the Senate considered a bill to move one county from one congressional district to another. This bill was apparently considered what is termed a "local bill" which affects only one Senator and was simply laid out by the Lieutenant Governor. It died in the House of Representatives.)

The analysis reviewed bills voted on by the Full Senate during both Regular and Called or Special Sessions of the Legislature both before and after the adoption of what has been termed the "two-thirds rule" and the accompanying "blocker bill" system by the Senate. It also examined measures passed by the Senate when there was such a "blocker bill" in place and when there was no such measure pending on the Senate Calendar. As noted above, with the one exception in 1981, the policy appears to have been to use an extra-ordinary majority vote in both Regular and Special Sessions of the Legislature both before and after the adoption of the two-thirds rule and with or without a blocker bill.³ Even in 1981, while the congressional redistricting legislation ultimately was considered by a simple majority of the Texas Senate, such consideration only took place after the Texas Senate had voted 27 to 1 (a near unanimous extraordinary majority) to approve a Senate Resolution (SR 256), which

¹ During the first half of the 20th Century, the Texas Legislature did not reapportion congressional districts in Texas after each national census. It did not begin that practice until after the establishment of the "one-man, one-vote" principle by federal courts in Baker v Carr [369 U.S. 186 (1962)]. Prior to that time, it had approved such measures only in 1917, 1933 and 1957. The first act after Baker v Carr was in 1965.

³ According to the Secretary of the Senate, the policy of requiring a two-thirds vote to Suspend the Regular Order of Business in order to consider a bill dates back at least 100 years. The Senate's Order of Business Rule was first adopted in 1947. The exact date for the beginning of the practice of using what is termed a 'blocker bill' to enforce that policy is not known, although it is generally attributed to have been adopted by Lt. Gov. Allan Shivers in 1949. Letter of July 15, 2003, from Secretary of the Senate Patsy Spaw to Senator Leticia Van de Putte.

provided that reapportionment measures were to be placed before the Senate under a Special Order requiring only a simple majority.

A listing of the individual measures considered by the Senate during the years of 1901 through 2001 and the method used to lay the proposal before the Full Senate is as follows. All page numbers are from the official Senate Journal for the respective Legislature. The method used to place the bill before the Senate is showing in *bold-faced, italic print*.

35th Legislature (1917)

Regular Session

Measure Senate Bill (SB) 11.

History: *Placed before the Senate as the result of a motion to set the bill as a "Special Order"*--p. 247; Passed to Engrossment (Second Reading) by a non-recorded vote--p. 276; Suspension of the Constitutional Rule by a vote of 25 Yeas, 1 Nays, 1 Present-not-voting, 3 Absent, 1 Absent-excused—p.288; Final passage by a non-recorded vote--p. 288.⁴

No congressional redistricting bill was then adopted until the 43rd Legislature in 1933.

43rd Legislature (1933)

Regular Session

Measure: SB 195

History: *Set as a Special Order*, no vote recorded—591; laid on the table, subject to call, no vote recorded—p. 640; Rules suspended, no vote recorded—661; considered on Second reading—p. 661; Set as a Special Order—p. 670; passed to engrossment—p. 670; Constitutional Rule suspended by a vote of 27 Yeas, No Nays—670; final passage by a vote of 22 Yeas, 4 Nays—p. 670.

First Called Session:

⁴ The Rules in use for the 1917 and 1933 sessions appear not to have specified the vote requirement for a Special Order beyond a general provision requiring a two-thirds vote to suspend rules for which the total is not specified. Legislative precedent is to be guided on such questions by the terms of such other publications as Robert's Rules of Order and Mason's Manual of Legislative Procedure Robert's specifically specifies that a Special Order requires a two-thirds vote (Section 13, Orders of the Day), and Mason's suggests the same. (In Sec. 264, it provides that "Whenever the making of a special order sets aside the general rules regarding the order of business, the same vote is required as would be required to specifically suspend the rules." In our Senate, this would be a two-thirds vote.) In any case, the motions appear to have been adopted in both 1917 and 1933 without objection—i.e.—or by unanimous consent.

Measure SB 64. (The bill was virtually a “local bill” that would have moved Duval County from Congressional District 14 to Congressional District 15. By Senate “tradition” such a measure is generally passed without opposition since it affects only the Senate author.)

History: *Laid before Senate by the Lt. Governor*—p. 189; Point of Order that congressional reapportionment is to last for 10 years and the Legislature had just approved such a measure in the Regular Session, overruled—p. 189; passed to engrossment—p. 189; Constitutional Rule suspended by a vote of 31 Yeas, No Nays—p. 189; final passage—p. 189. The House Committee on Congressional & Legislative Districts subsequently reported the bill “unfavorably” and it died in the House after the Speaker ruled a motion to print a minority report as being out of order. House Journal, pp. 530, 611.

No congressional reapportionment measure was then adopted until the 55th Legislature met in 1957.

55th Legislature (1957)

Regular Session

Measure: House Bill (HB) 229

History: *Suspension of the Regular Order of Business* by a vote of 25 Yeas, 7 Nays—pp. 122-1223; passed on Second Reading by a voice vote—p.1226; Suspension of the Constitutional Rule, failed by a vote of 18 Yeas, 10 Nays (not obtaining the necessary four-fifths vote)—pp. 1226-1227; Suspension of the Regular Order of Business for Third Reading, failed by a vote of 15 Yeas, 12 Nays (not obtaining the necessary two-thirds vote)—p. 1336; Suspension of the Regular Order of Business for Third Reading, prevailed by a vote of 18 to 7—p. 1336; amended on Third Reading by a vote of 25 Yeas, 1 Nays (amending of Third Reading requires a two-thirds vote—p. 1336; Final passage by voice vote.

Following the United States Supreme Court ruling in Baker v Carr, the Legislature next reapportioned the congressional districts in Texas in 1965.

59th Legislature (1965)

Regular Session

Measure: HB 67

History: *Suspension of the Regular Order of Business* by a vote of 26 Yeas, 5 Nays, p. 1895; passage on Second Reading by a voice vote—p. 1907; Suspension of the Constitutional Rule by a vote of 27 Yeas, 2 Nays—p. 1907; passage on Third Reading by a voice vote—p. 1907.

62nd Legislature (1971)

Regular Session:

Measure: HB 782

History: *Suspension of the Regular Order of Business* by unanimous consent—p. 1667. Passed on Second reading by a non-recorded vote—p. 1675. Constitutional Rule Suspended by a vote of 23 Yeas, 5 Nays—p. 1675. Passed on Third Reading by a non-recorded vote—p. 1675. Died in Conference Committee.

First Called Session

Measure: HB 782 (Picked up from Regular Session version)

History: *Passed by a combined motion to Suspend the Regular Order of Business*, pass on Second Reading, Suspend the Constitutional Rule and Pass on Third Reading by a vote of 25 Yeas, 4 . Journal recorded votes on 2nd and 3rd Reading as voice votes—p. 11.

67th Legislature (1981)

Regular Session

Redistricting in the Senate during the 67th Legislature was governed by the terms of a Senate Resolution (SR 256) which provided that reapportionment measures were to be placed before the Senate under a Special Order, rather than by a Suspension of the Regular Order of Business. SR 256 also established that these Special Orders would require only a majority vote for adoption, rather than the two-thirds vote normally required to set a Special Order. *SR 256 was adopted by the Senate by a vote of 27 Yeas, 1 Nays.* The specific provision providing for a Special Order by a majority vote was adopted on a separate vote of 21 Yeas, 7 Nays—pp. 337, 356, 357. As such, this deviation from the traditional practice was approved by an extraordinary majority of two-thirds of the Senate. *In addition, the first time the provision was used it was adopted by an extraordinary majority vote.*

Measure: HB 1400

History: *Set as a Special Order (majority vote only)* by a vote of 28 Yeas, 3 Nays (an extraordinary majority)—p. 1408; passed on second reading by a vote of 14 Yeas, 14 Nays, 1 Present-not-voting, President voting Yea to break the tie—pp. 1462-1463; Constitutional Rule Suspended by a vote of 24 Yeas, 5 Nays—p. 1465; passed on Third Reading by a vote of 16 Yeas, 13 Nays—p. 1465; the bill did not pass the Legislature.

First Called Session

Measure: SB 1

History: Motion to Set the bill as a Special Order, failed by a vote of 11 Yeas, 16—p. 26; Motion to Suspend the Regular Order, failed by a vote of 15 Yeas, 12 Nays (not obtaining the necessary two-thirds vote)—p. 26. Parliamentary ruling that terms of SR 256 (see above) also applied to the Called Session—p. 26; ***Set as a Special Order (majority vote only)*** by a vote of 17 Yeas, 14 Nays—p. 26; passed on Second Reading by a vote of 19 Yeas, 12 Nays; Constitutional Rule Suspended by a vote of 25 Yeas, 6 Nays, final passage by a vote of 19 Yeas, 12 Nays—pp. 131-132.

68th Legislature, Regular Session (1983)

Measure: SB 480 (enacting provisions of court ordered plan)

History: ***Suspension of the Regular Order*** by unanimous consent--p. 947; passed on Second Reading by a voice vote--p. 953; Suspension of the Constitutional Rule by a vote of 24 Yeas, 5 Nays—p. 953. Final Passage by a vote of 23 Yeas, 6 Nays-- 953.

72nd Legislature (1991)

Second Called Session

Measure: HB 1

History: Suspension of the Regular Order of Business by unanimous consent, failed—p. 134; ***Suspension of the Regular Order of Business*** by a vote of 21 Yeas, 10 Nays—p. 134; passage on Second Reading by a voice vote—p. 137; Suspension of the Constitutional Rule by a vote of 26 Yeas, 5 Nays—p. 137; passage on Third Reading by a vote of 18 Yeas, 13 Nays—p. 137.

Following a series of court decisions, the House of Representatives passed a congressional reapportionment during the 75th Legislature in 1997 but the bill was not passed by the Senate.

Neither the Texas House or Representatives or the Texas Senate enacted a congressional redistricting measure during the 77th Legislature in 2001.

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Fort Worth Star Telegram (Texas)

July 17, 2003, Thursday FINAL EDITION

SECTION: NEWS; Pg. 1

LENGTH: 1067 words

HEADLINE: Mapmaker **Harris** gives up the job

BYLINE: JAY ROOT;JOHN MORITZ; Star-Telegram Austin Bureau

HIGHLIGHT:

POLITICS: The **redistricting** effort in the state Senate bogs down after an Arlington senator targets U.S. Rep. Martin **Frost** for political extinction.

BODY:

AUSTIN--The drive to increase the number of Texas Republicans in Congress hit a major pothole Wednesday when one key state senator abruptly gave up trying to draw any new **redistricting** maps and another joined the opposition.

The fast developments created a new round of chaos at the Capitol.

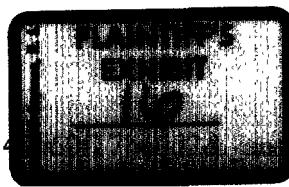
At the center of the storm was Republican state Sen. Chris **Harris** of Arlington, who announced Wednesday that he would propose two maps, either of which would probably end the career of U.S. Rep. Martin **Frost**, D-Arlington.

But less than two hours later, **Harris** angrily walked away from his role as the Senate's chief sponsor of the **redistricting** effort, saying he had just learned about doubts over whether his proposals would pass legal muster.

"I'm out of the map-drawing business," **Harris** told the Senate Jurisprudence Committee.

Republicans, spurred by U.S. House Majority Leader Tom DeLay, R-Sugar Land, want to increase the GOP seats in the Texas congressional delegation, where Democrats have 17 members and Republicans have 15.

The Texas House passed a plan along party lines shortly after lawmakers were summoned back into special session by Republican Gov. Rick Perry just over two weeks ago. But that map was summarily rejected by the Senate, where several members want nothing to do with **redistricting**.



Democratic state Sen. Frank Madla of San Antonio, previously undecided, said Wednesday that he was adding his name to a letter of senators "unalterably opposed" to **redistricting**. That means that 11 Democrats and one Republican, Sen. Bill Ratliff of Mount Pleasant, are opposed.

Madla said he had received more than 3,000 calls from his district expressing opposition, and three to five calls for it. He said that and fierce opposition from around the state persuaded him to declare his opposition.

"I am quite firm. I got off that barbed-wire fence," he said. "It was not comfortable."

Under Senate tradition, it takes 21 votes to bring up any bill, so 11 opponents would normally be enough to kill it. But Republican Lt. Gov. David Dewhurst said he is considering doing away with the tradition for this vote.

Perry also said he would consider calling lawmakers back to another special session on **redistricting** -- one presumably operating under majority-rule procedures. The current session expires July 29.

"There's a lot of different maneuvers that could be used," Perry told reporters. "It always is an option to call a session." If Perry and Dewhurst press on, Democrats have said, one option they have is to make a quorum impossible -- as House Democrats did by going to Ardmore, Okla., in May.

With Republicans in control of both chambers of the Legislature and all the statewide elective offices, **redistricting** was elevated to high priority even though the Legislature has no obligation to tackle it this year. Two years ago, lawmakers punted the task to the federal courts.

Perry sought to calm tempers by noting that he has since put other items on the agenda and that lawmakers still have work to do on those.

"Let's not forget that there are some other things going on besides **redistricting**," he said. "My recommendation is to continue to work, might take a little deep breath, relax."

With tensions boiling, however, little relaxation was evident under the pink granite dome in Austin. Dewhurst summoned Democratic senators to his office for a private chat, and both sides remained tight-lipped afterward.

"We're keeping our options open and they're keeping theirs," said one Democrat, Sen. Judith Zaffirini of Laredo.

After **Harris** made his announcement, he led reporters on a harried chase through the Capitol corridors after first telling the

media that he would unveil maps that achieved his main objective:

"The primary goal of my constituents is to take out Martin **Frost**, which is what I have done in this map. ... They feel like he's a pain -- in all kinds of ways."

Asked if the problems with the proposals he had planned to unveil were associated with drawing out **Frost**, **Harris** said he did not know and reiterated his decision to pull out as the bill sponsor.

Harris said the maps had been "given" to him by the office of Attorney General Greg Abbott. But Abbott, a Republican, issued a terse written reply denying that he or his staff had provided **Harris** any maps.

"Any statement implying that the office of attorney general conceived a **redistricting** plan or maps is false," Abbott said. "The office of the attorney general has only assisted the Senate, upon its request, with reviewing the legality of various **redistricting** maps."

Under federal law, any congressional **redistricting** must be approved by the Justice Department.

Frost's spokesman Tom Eisenhauer said the congressman has had a positive impact for the people in his district.

"The people of the 24th District -- including those who work at American Airlines -- know how effectively Congressman **Frost** represents North Texas," Eisenhauer said. "And judging from the Legislature's **redistricting** hearings, they oppose Tom DeLay's power grab just as much as Martin **Frost** does."

Although **Harris** has taken himself out of the picture, the new **redistricting** sponsor, Sen. Todd Staples, R-Palestine, has agreed to carry a plan that would put **Frost** in a GOP-leaning district and would probably set up a showdown between **Frost** and U.S. Rep. Joe Barton, R-Ennis. That map could be unveiled today.

After **Harris** walked out, Sen. Royce West, D-Dallas, said the **redistricting** process is in shambles.

"When the major mapmaker says he's out of the mapmaking process, it leaves us in total chaos," West said. "Something happened that made him make the statement that he did."

West, who opposes **redistricting**, said he is also concerned about the credibility of the Senate.

"The tradition of the Senate is more important than being a Republican or a Democrat," West said. "I'm going to stand up to make sure we maintain the tradition here."

The Associated Press State & Local Wire

May 6, 2003, Tuesday, BC cycle

SECTION: State and Regional

LENGTH: 705 words

HEADLINE: DeLay, Democrats square off on redistricting

BYLINE: By SUZANNE GAMBOA, Associated Press Writer

DATELINE: WASHINGTON

BODY:

House Majority Leader Tom DeLay said Tuesday he would not propose a last-minute congressional redistricting plan to the state House when it takes up the issue at the end of the week.

DeLay, R-Sugar Land, said in his weekly briefing with reporters in Washington that he backs the map that was to be considered Tuesday evening by a state House committee. He said that map was likely to be considered by the full state House on Friday or Saturday. By the time it becomes law, Texas could have eight or nine Hispanic members in Congress and an additional black district, he said.

"We had a state Legislature that could not draw a map so they deferred to three judges ... Those three judges did not consider the representation of minorities in Texas or the representation of the majority party and that is the Republican Party," DeLay said.

Rep. Martin Frost, D-Arlington, criticized the map DeLay supports, saying it is bizarre and has strangely-shaped districts that will not stand up to court scrutiny.

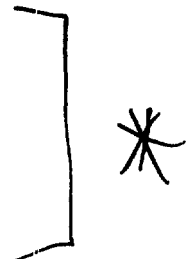
"This is a political, self-serving map by DeLay, who is trying to defeat as many Democrats as he can," Frost said.

DeLay said he expects the new map will lead to a voting rights lawsuit.

DeLay has pushed the Legislature to redraw Texas' 32 congressional districts, now that Republicans are in charge of the state House and Senate, and hold every major public office. Texas' congressional delegation has 17 Democrats and 15 Republicans. DeLay said he believes Texas should have 20 Republicans.

"I'm the majority leader and we want more seats," DeLay said.

Democrats have criticized DeLay for not making public the map of



congressional districts that he has drawn. Democrats feared that DeLay would not release it until it was too late for a public hearing to be held.

Democrats also have accused DeLay of using Hispanics and blacks to reach his goal. Tom Eisenhauer, Frost's spokesman, said the map DeLay supports weakens Hispanic voting strength. The proposal splits Hispanic voters and puts them in safe Republican districts or packs them in existing minority districts, Eisenhauer said. He also said it does not increase Hispanic majority districts.

Texas has six Hispanics in Congress and seven Hispanic districts. Rep. Gene Green, D-Houston, who is white, represents one of those districts. Rep. Henry Bonilla, R-San Antonio, also has a majority Hispanic district, but does not win a majority of that vote. For that reason, Democrats say Bonilla, although Hispanic, is not the preferred candidate among Hispanics.

Texas has two black members. DeLay said another predominantly black district could be drawn in Harris County.

Nina Perales, attorney for Mexican American Legal Defense Fund, said the plan DeLay supports displaces several incumbent Hispanics in Congress and does not add a Hispanic district. But she said Democrats could have avoided this if they had created new majority Hispanic districts in the initial redistricting round.

"By insisting instead on maintaining the districts of fragile Anglo Democrats, they set themselves up for a Republican gerrymander and can't fall back on Latino districts that would have been protected under the Voting Rights Act," she said.

DeLay said he is not worried about replacing Democrats who hold leadership or high-ranking positions in Congress with inexperienced freshmen Republicans. For example, Rep. Charlie Stenholm, D-Stamford, is the ranking Democrat on the House Agriculture Committee.

"They may look at themselves as important. I look at them as rather irrelevant," DeLay said. "The ranking members don't vote with the majority of Texans in almost every issue that comes to the floor," DeLay said.

Frost countered that DeLay is placing partisanship over what is good for Texas.

Meanwhile in Austin, Republican comments about minorities continue to stir controversy. Hispanic House members criticized state Rep. Joe Crabb, R-Atascocita, for saying he could not hold hearings in non-English speaking areas of the state.

Last month, DeLay angered minority lawmakers who criticized his redistricting efforts when he said that by opposing his plan they were more Democrat than minority and were not representing "their people."

LOAD-DATE: May 7, 2003

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Corpus Christi Caller-Times (Texas)

July 12, 2003, Saturday

SECTION: Editorial Columns; Pg. A11

LENGTH: 625 words

HEADLINE: House GOP leaders make a bad situation even worse
Some Republicans are ashamed at the intensity of partisanship over Texas redistricting

BYLINE: Meighan

BODY:

Everyone expected a partisan and divisive special session on congressional redistricting. Redistricting is the one issue that can turn friends into bitter political enemies. So it's no surprise that Democrats and Republicans are in a battle over the issue.

But House Republican leaders have stoked those flames with their blatant partisanship and questionable tactics. Even some Republicans are ashamed at what they have seen, although they are hesitant to publicly criticize the leadership.

Republican partisanship even prevented State Rep. Mike Villarreal, vice chairman of the House Redistricting Committee, from chairing one of the subcommittee hearings held around the state.

Why? Because he's a Democrat from San Antonio. Never mind that he is fair and would have done an excellent job of heading a subcommittee. Allowing him to chair a subcommittee also would have quieted some criticism that Republicans have excluded Democrats from the process.

Most members of the Senate are disgusted with the House actions and are concerned that the whole process is ripe for a legal challenge.

Nevertheless, House members moved forward and approved a new map one week after the start of the 30-day special session. The House map could give

Republicans as many as 21 of the state's 32 congressional seats. Democrats currently hold a 17-15 edge in the delegation.

'Elect more Republicans'

Gov. Rick Perry called lawmakers back to Austin for a special session after redistricting efforts failed in the regular session, which ended June. 2. House Democrats defeated the plan in May by going to Oklahoma until a deadline passed.

Perry and other Republicans believe the current districts, drawn by a federal panel in 2001, don't reflect the current GOP voting trend in Texas. Republicans have made no secret about their goal during this special session.

"My goal is to elect more Republicans to Congress and better reflect the Republican voting patterns in Texas," said state Rep. Phil King, R-Weatherford, the author of the redistricting bill passed by the House.



But Democrats and even some Republicans are questioning the tactics used to reach that goal.

In the week before the full House vote, Republicans on the House Redistricting Committee introduced several versions of the map. The map that House members approved was released to the public on a holiday - July 4 - and voted out of the committee the next day. The House Calendars Committee met on Sunday so the full House could begin debate the next day.

'We're sending a signal'

Democrats were outraged that Republicans released the map over a holiday weekend when many lawmakers and citizens were out of town and spending time with their families. The end result was that no public input was received on the map approved by the full House.

Even state senators were excluded from the House process. Republican Lt. Gov. David Dewhurst, who oversees the Senate, asked House leaders to include senators in their map-drawing process. The senators, much like the Democrats in the House, were denied access.

"We're sending a signal to the House that we had asked to be involved in the process of the House drawing the map," Dewhurst said.

That was a big mistake by House leaders because Republican and Democratic senators both criticized the plan. "Silly" and "flawed" are two of the adjectives some senators are using to describe the House plan.

The consensus at the Capitol is that the House plan is dead. Dewhurst, on the other hand, has been working with Republican and Democratic senators to devise a fair map.

Dewhurst has a tough job ahead - and Democrats in the House and some in the Senate are hoping that he fails to achieve that objective.

LOAD-DATE: July 12, 2003

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The Dallas Morning News

August 11, 2003, Monday

SECTION: NATIONAL POLITICAL NEWS

KR-ACC-NO: K6580

LENGTH: 812 words

HEADLINE: Democrats ask Bush to get involved in Texas remap dispute

BYLINE: By George Kuempel

BODY:

ALBUQUERQUE, N.M. _ The 11 Democratic senators encamped here have called on President Bush to intervene in the impasse over congressional redistricting, saying he alone has the power to end "this embarrassing chapter in Texas history."

The debacle, they said in a letter Friday that they individually signed, is damaging the former Texas governor's credibility as a bipartisan leader. And, they said, his top adviser, Karl Rove, is largely to blame.

They also criticized U.S. House Majority Leader Tom DeLay of Sugar Land, Texas, the driving force behind the effort to redraw district lines, and Republicans Gov. Rick Perry and Lt. Gov. David Dewhurst, who the Democrats say are doing his bidding in Texas.

Their actions "cast a shadow over your legacy here. Your continued silence is being interpreted by thoughtful Americans as complicity or as tacit approval," the senators wrote.

"We request an immediate public announcement of your opposition to this unfair and shameful power grab."

A Bush spokesman said Sunday that the president did not plan to become involved in the dispute.

"That's a matter for the state of Texas to address," said Jimmy Orr, a White House spokesman in Crawford, where Bush is vacationing.

David Beckwith, a spokesman for Dewhurst, said the allegation that his boss has acted on Rove's instructions is false and nothing but a publicity ploy by the Democrats.

"It's particularly ironic," he said, "since the Democratic National Committee is increasingly calling the tune out in Albuquerque."

Kathy Walt, the governor's spokeswoman, called the Democrats' claims "ludicrous."

"It's just to deflect from the fact that they walked off the job in violation of their oaths of office," she said.

Rove could not be reached for comment Sunday.

Perry, Dewhurst and DeLay have said that congressional districts should be realigned to reflect Texas voting patterns. Republicans control all top statewide elected offices in Texas; Democrats hold 17 of the state's 32 U.S. House seats.

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Sen. Leticia Van de Putte of San Antonio, chairwoman of the Senate Democratic Caucus, did not return a telephone call Sunday. Sen. Gonzalo Barrientos of Austin said the letter is just another of the group's on-going efforts to find a solution to the standoff.

"We don't hang our hat on one item, on one lawsuit, on one rally. We're working on all fronts," he said.

Last week, the Democrats and Republican leadership traded legal filings. The Democrats went to state District Court in Austin seeking an order that would allow them to return to the state without facing arrest or confinement in the Senate chambers. Republicans asked the state Supreme Court to compel minority party members to return to the Capitol to perform their legislative duties.

The exiled senators, addressing via telephone several thousand supporters who rallied Saturday at the Capitol in Austin to cheer them on, called on the president to intervene.

On Sunday, the lawmakers spent a quiet day, their 14th here since fleeing Austin to deny the Senate a quorum and halt work on the GOP-backed redistricting plan. They were to meet later in the evening to regroup and discuss, among other things, their response to the state Supreme Court motion filed last week by Attorney General Greg Abbott on behalf of the governor and lieutenant governor.

The Democrats' response is due Monday.

In their letter, the senators said the Hispanics and blacks who make up much of the Texas voting population are "deeply offended and angry at the Perry-DeLay (redistricting) scheme.

"There is even some belief among our constituents that the Perry-DeLay plan is the first step in a national Republican plan to weaken or repeal the Voting Rights Act in 2006 and

to further secure Congressman DeLay's undefeatable majority for his expected speakership race.

"This flies in the face of your national Latino outreach programs," the letter continues. "With all due respect, Mr. President, you cannot have it both ways."

The senators also said they believe that Dewhurst was acting on instructions from Rove and the governor when he abandoned the Senate's long-held two-thirds rule, which prompted the walkout. The rule, requiring a two-thirds vote of Senate members to take up a bill, was shelved by the lieutenant governor to ease consideration of redistricting.

The 11 Democrats had the votes to block the GOP's bill under that rule.

Without elaborating, the Democrats wrote: "We have received information that your Chief Advisor, Karl Rove, has played a significant behind-the-scenes role in this divisive and unfortunate overreach of legislative power."

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Corpus Christi Caller-Times (Texas)

June 20, 2003, Friday

SECTION: Texas/Mexico News; Pg. A10

LENGTH: 636 words

HEADLINE: House, Senate expect the other to find new redistricting plan
Each will hold its own public hearings around the state next week

BYLINE: Monica Wolfson, Scripps Howard Austin Bureau

BODY:

AUSTIN - Although Gov. Rick Perry has called a special session to address congressional redistricting, legislators are bickering about which body of the Legislature will consider the bill first. They have not coordinated joint public hearings on the issue as they did two years ago when the Capitol last took up the heated issue.

House members plan to hold six redistricting hearings two days next week. The Senate has tentative plans to hold four hearings during four days next week.

House committee members will meet in Brownsville, San Antonio and Lubbock on Thursday and Houston, Dallas and Nacogdoches on June 28. Senate committee members have plans for meetings in El Paso on Wednesday, San Angelo on Thursday, Laredo on Friday and McAllen on Saturday.

Perry and other Republicans want to change the state's congressional districts to reflect the Republican voting trend in the state. Republicans hold all statewide offices but Democrats hold a 17-to-15 majority in the state's congressional delegation.

} *

The Legislature is supposed to redraw districts every 10 years based on U.S. Census population figures. During its 2001 session, the Legislature failed to agree on a plan and left it up to a three-member federal panel.

Republican leaders in the House tried to bring the issue up for a vote again this past session, but 51 House Democrats fled to Ardmore, Okla., to break quorum and kill the plan.

Senate and House lawmakers have made no plans to hold meetings together. In

2000, lawmakers held 11 joint hearings across the state during seven months before they drafted a redistricting map.

The purpose of the House hearings isn't to show the public a new congressional map, said Bob Richter, spokesman for House Speaker Tom Craddick, R-Midland. Lawmakers plan to discard a map adopted by the House redistricting committee in early May and adopt a new one. The hearings are a chance for the public to talk about what they want accomplished in redistricting, Richter said.

It's unknown if the Senate has the same goal because details haven't been finalized, said Mark Miner, a spokesman for Lt. Gov. David Dewhurst.

Dewhurst said federal voting districts need to be adjusted to reflect the state's recent voting activity and that the redistricting issue is worthy of a special session.

"I happen to believe that the makeup of our congressional delegation does not reflect voting patterns in this state. That needs to be fixed," Dewhurst said.

Dewhurst said he believes there are ample votes in the Senate to pass a redistricting plan within the special session.

While the Senate believed the House is supposed to address redistricting first, Richter said, the House would like the Senate to take up the issue first.

"We'd love it if they did it first," Richter said. "We do all the heavy lifting, and they get all the credit for what is done. We encourage them to do something. We'd like them to come out with something first."

The House is going to come out with a plan first, Miner said.

"Why should the Senate go first? (The House) didn't have enough members to make a quorum last time. Let's make sure it comes out of the House first," he said.

One South Texas lawmaker called the hearings a "charade."

"They already know what they are going to do," said Sen. Juan "Chuy"

Hinojosa, D-McAllen, who represents Corpus Christi. "They are just putting pressure on certain senators to vote for the Republican plan. They will hear the public's voice, and then it will be ignored."

July 18, 2003, Friday , METRO

SECTION: A SECTION; 2003 Texas Legislature Special Session ; Pg. 1A

LENGTH: 896 words

HEADLINE: GOP senator unfolds a new map for districts ; It might send seven more Republicans to Congress.

BYLINE: Guillermo X. Garcia

BODY: AUSTIN - An East Texas senator presented a map Thursday that could give Republicans seven additional congressional districts and, he assured colleagues, complies with federal law.

However, it drew fire from Democrats who charged it would dilute minority voting strength.

Sen. Todd Staples, R-Palestine, called the map "a starting point," and said he didn't know how many Republican districts would be created under his plan.

But a review of the map shows Republicans could get elected in 22 districts, while Democrats would drop to 10.

Currently, the Texas delegation has 17 Democrats and 15 Republicans.

Staples said the proposal is fair to Texans and complies with federal Voting Rights Act requirements while also recognizing the state's GOP-voting tendencies.

The freshman senator hadn't finished his presentation before Democratic committee members pressed him with questions about who'd drawn the map and expressed doubt it would withstand mandatory Justice Department review and likely legal challenges.

"I'm a veteran map drawer. I've been at it all of 24 hours," **Staples said** with a laugh.

Democrats Royce West of Dallas and Mario Gallegos of Houston disputed Staples' assertion that his plan would create a new African American district in Houston and a new Hispanic district in the Rio Grande Valley.

"In fact, this plan does not only not create new minority districts, it dilutes our voting strength and wipes out (African-American) voters in Tarrant and Dallas Counties by moving those voters into a suburban, heavily Republican district in Denton (County)," West said.

Under the plan, one district would run from southeast Travis County to Hidalgo County in South Texas.

Another district would travel along the northern border of Travis County and east to Harris County.

Also, one Central Texas district would start in northern Bastrop County, slice through a piece of Travis County and run south to western Cameron County.

Referring to a **redistricting** plan passed last week by the House that would give the GOP as many as 21 members, West said: "I don't know which plan stinks more. They both got a lot of flies circling them."

House Majority Leader Tom DeLay has pushed for a new congressional map to reflect the state's voting trends. Republicans claim that 56 percent of Texans voted for GOP congressional candidates in the most recent statewide elections, but Republicans comprise less than 47 percent of the delegation.

"It is clear that the majority of Texans support President Bush and his policies, while a majority of the Texas delegation in Congress (because they are Democrats) do not support the president or his policies, and that is not fair," Lt. Gov. David Dewhurst said.

Dewhurst said Democrats should get involved in the Staples map, which he called "a work in progress."

He said that if there is no new map at the end of the special session, which ends July 30, then Gov. Rick Perry most likely will call another session to address the issue.

Dewhurst pointedly noted that he didn't intend to do away with a Senate rule that lets 11 senators block a bill from reaching the Senate floor for debate, but said that such a rule would likely not be in effect should Perry call a second session.

Earlier this week 10 Democrats and Republican Bill Ratliff, R-Mount Pleasant, informed Dewhurst that they are unalterably opposed to **redistricting** and would not negotiate on the issue. Since then, one more senator, Frank Madla, D-San Antonio, has said he is also opposed to **redistricting**.

Meanwhile, in Washington, Texas' five Latino House Democrats accused Perry of political retaliation for slashing \$300,000 in funding to the American GI Forum national outreach program.

"This is nothing but retaliation against the GI Forum for opposing **redistricting**," said U.S. Rep. Silvestre Reyes, D-El Paso, a Vietnam veteran.

The GI Forum instigated a number of raucous disruptions at hearings held in Brownsville and Corpus Christi last month.

"It is easier to make baseless accusations than it is to take the time to learn the facts," countered Kathy Walt, Perry's spokeswoman.

She noted that the nearly \$5 million in federal funds due the state, of which the GI Forum application was a part, had just arrived "but it will not be distributed until August or September, at the earliest."

Walt said there was no retaliation and that the GI Forum could reapply for funding, but that there was no certainty the application would be approved.

Carlos Martinez of San Antonio, the president and chief operating officer of the American GI Forum National Veterans Outreach Program, said the group has received funds from a discretionary account of the governor since the mid-1970s.

"What in the world possessed the governor to suddenly withhold the funding for this important veterans program right now?" asked U.S. Rep. Ciro Rodriguez, D-San Antonio, chairman of the Congressional Hispanic Caucus.

"It is wrong to cut it off now, especially if it's for political reasons," Rodriguez said.

Joining Rodriguez and Reyes in denouncing the governor were U.S. Reps. Solomon Ortiz, D-Corpus Christi, Charlie Gonzalez, D-San Antonio, and Ruben Hinojosa, D-Mercedes.

ggarcia@express-news.net

GRAPHIC: PHOTO: HARRY CABLUCK/ASSOCIATED PRESS : Attorney Jeff Archer, with the Texas Legislative Council, answers questions during a hearing on congressional **redistricting**. The Senate Jurisprudence Committee was conducting the hearing Thursday.

LOAD-DATE: July 18, 2003

News from Lieutenant Governor David Dewhurst
<<http://www.senate.state.tx.us/75r/litgov/Press.htm>>

Post Office Box 12068 Austin, Texas 78711-2068 Press Office: 512/463-0715,
Fax: 512/463-0008

FOR IMMEDIATE RELEASE

June 18, 2003

CONTACT: Mark Miner

512/463-0715

STATEMENT BY LT. GOV. DEWHURST ON CONGRESSIONAL REDISTRICTING

"I have consistently said, with a fair redistricting plan from the House, we will work to get it passed in the Senate. I do not believe that the current congressional delegation represents the voting patterns of Texas. While I realize that redistricting is a divisive issue, I believe considering a plan that reflects the wishes of the people of Texas is necessary."



STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
AUSTIN, TEXAS 78711

George W. Strake, Jr.
Secretary of State

September 11, 1981

The Honorable William French Smith
United States Attorney General
Department of Justice
Constitution Avenue and 10th Street, N.W.
Washington, D. C. 20530

ATTN: Mr. William Bradford Reynolds
Assistant Attorney General, Civil Rights Division

RE: Submission under Section 5, Voting Rights Act

Dear Attorney General Smith:

A certified copy of Senate Bill 1, First Called Session, 67th Legislature, is submitted in compliance with Section 5 of the Voting Rights Act of 1965 as amended (42 U.S.C. 1973c). The authority responsible for the passage of the Act was the Texas Legislature. The Act was adopted pursuant to the provisions of Article III, Section 30, of the Texas Constitution. This Act was passed by the Texas Senate on July 21, 1981, passed the Texas House of Representatives on August 9, 1981, and the Senate concurred in House amendments on August 10, 1981. The Act was signed by the Governor on August 14, 1981. The Act is effective beginning with the primary and general election in 1982.

The provisions of this Act have not been implemented.

All language in the Act is new language.

The Act apportions the State into Congressional districts.

A statement of the anticipated effect on members of racial or language minority groups is attached hereto as Appendix C-1.

A newspaper article has indicated that a lawsuit challenging this Act was filed in Federal Court in Tyler, Texas on September 10, 1981, otherwise there is no past or pending litigation involving this Act. The procedure for the adoption of this change is not subject to preclearance. The prior law apportioning the State into Congressional districts was Chapter 537, Acts of the 64th Legislature, 1975, in essence adopting a plan ordered by White v. Weiger, 412 US 783, 1973.



The Honorable William French Smith
September 11, 1981
Page 2 of 3

Expedited consideration of this submission is respectfully requested to give each of the 254 counties in the State ample time to draw new precinct lines to accommodate the new apportionment plan, once it has been approved, and have those precinct changes precleared prior to the commencement of preparations for the political party primaries in 1982. Pursuant to State law, filing for the primaries commences January 2, 1982, the filing deadline is February 1, 1982, and the general primary election is on May 1, 1982.

The supplemental contents of this submission are attached as Appendices. A descriptive list of each appended item is as follows:

- C-1 Statement of the Anticipated Effect on Racial or Language Minority Groups
- C-2 Retrogression Study
- C-3 Voter Polarization Study - Black, Hispanic, and Black plus Hispanic Combined
- C-4 Minority Electoral Participation Study
- C-5 Summary of Minority Representation, 1971-1981
- C-6 Comparison of Old and New Districts
- C-7 Publicity, Participation and Minority Positions (Pertinent information necessary for a complete presentation of this aspect is being assembled and will be provided as soon as completed.)
- C-8 Map of the State Showing the Percentage Minority Population in Each County and Urban County Maps Showing Minority Concentration
- C-9 Maps of Old and New Districts
- C-10 List of Minority Group Contacts
- C-11 Newspaper Articles File
- C-12 Demographic Changes in Old Districts from 1970 to 1980

("C-(number)") denotes Texas Congressional plan and order of Appendices.)

If additional information is required for this submission, please contact the undersigned or this Office at the address indicated herein.

The Texas Legislature was not able to pass a Congressional redistricting plan at its regular session that ended June 1, 1981. The plan submitted was enacted at a special legislative session of thirty days that ended August 11, 1981.

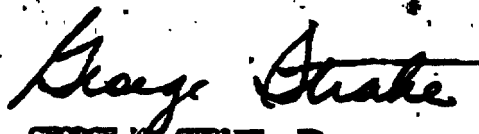
The State has enacted a plan that satisfies the constitutional requirements of "one-man, one-vote" and accommodates legitimate State concerns such as preserving a community of interest in districts. In addition, the plan not only preserves present opportunities for minority representation, but, also, significantly enhances those opportunities. Any objections to the plan on the

The Honorable William French Smith
September 11, 1981
Page 3 of 3

basis that it could have been drawn to provide even better opportunities for minority representation than it does would be irrelevant since the law does not require minority representation to be maximized. In short, the submitted plan complies with the Voting Rights Act in all respects.

In order to assure that the interests of the State in its duly enacted plan are protected, I request that I be given notice of the specifics of any objections that may be filed with the Department of Justice and an opportunity to respond should I feel it to be necessary or appropriate.

Sincerely,



GEORGE W. STRAKE, JR.
Secretary of State

GWS:aah
Enclosures

Honorable William French Smith
Page 2

HISTORY

The first called session of the 67th Legislature of Texas enacted Senate Bill 1, which apportioned the State into Congressional districts, on August 10, 1981. Senate Bill 1 was submitted to the Justice Department for preclearance on September 11, 1981. Before the Justice Department acted, suit was filed in the federal district court for the Eastern District of Texas, Paris Division. Seamon v. Upham, 536 F. Supp. 931 (E.D. Tex. 1982). A three-judge court was empaneled and evidentiary hearings were held. The three-judge panel declined to rule on the constitutionality of Senate Bill 1 until the Justice Department acted.

On January 29, 1982, the Justice Department interposed an objection to the plan. Specifically, the Justice Department objected to districts 15 and 27 in south Texas. The concern was that while 67% of the residents of the area are Hispanic, the Hispanic population was proportioned so that district 15 was 80.4% Hispanic, and district 27 was only 52.9% Hispanic. The Justice Department mentioned a particular concern that with a projection that future population growth (heavily Hispanic) will occur primarily in Hidalgo and Cameron counties, placement of both those counties in district 15 might exacerbate an alleged "packing" problem in that district. The letter of objection stated that the state of Texas had "satisfied its burden of demonstrating that the submitted plan [was] nondiscriminatory in purpose and effect" with respect to the remaining 25 districts.

The Justice Department objection to Senate Bill 1 was so near in time to the 1982 primaries that the three-judge federal district court was required to formulate an interim plan for use in the 1982 elections. The court plan utilized portions of Senate Bill 1, but modified districts 15 and 27 to resolve the Justice Department objection. Dallas districts 3, 5, 24, and 26 were modified to address what the court found to be "... severe and extreme retrogression in minority voting strength..." Seamon v. Upham, 536 F. Supp. 1030 (E.D. Tex. 1982).

An appeal of the decision to redraw districts in Dallas County resulted in a determination by the United States Supreme Court that "... in the absence of a finding that the Dallas reapportionment plan offended either the Constitution or the Voting Rights Act, the District Court was not free, and certainly was not required, to disregard the political program of the Texas State Legislature." Upham v. Seamon, 102 S.Ct. 1518, 1522 (1982). The Supreme Court in its remand gave the district court discretion to either modify its judgment or go forward with the elections as scheduled. The district court determined to proceed with the elections as scheduled in order to avoid disruption of the electoral processes, noting at the same time that "the Supreme Court apparently agreed that S.B. 1's treatment of Dallas

Honorable William French Smith
Page 3

failed to meet the test of racial fairness for a court-ordered plan." Seamon at 1032. See Attachment 1.

SENATE BILL 480

The 68th Legislature of Texas has enacted a permanent reapportionment plan for the Congressional districts in Texas, rendering Senate Bill 1 null and void. Senate Bill 480 contains seven districts that vary from the court-ordered plan used in the 1982 elections, districts 3, 6, 24, and 26, in the Dallas County area, districts 21 and 23 in the Tarrant County area, and district 12 in Tarrant County. Senate Bill 480 adopts the court's plan for the remainder of the State.

THE RIO GRANDE VALLEY

Districts 15 and 27 were modified by the court to cure the alleged defect that caused the Justice Department objection. Senate Bill 480 retains these court-modified districts. District 15 no longer contains both Hidalgo and Cameron counties. The court placed Cameron county in district 27, and Hidalgo county in district 15. District 15 has a 71.74% Hispanic population, and District 21 has a 61.50% Hispanic population. Both districts elected Hispanic representatives in 1982 under these lines. Kika de la Garza currently represents district 15, and Solomon Ortiz represents district 27.

DALLAS COUNTY DISTRICTS

Senate Bill 480 has adopted in its entirety the court-drawn district 5 in Dallas County, and essentially district 24 was readopted, also. These districts were initially court-drawn to insure racial fairness. Seamon at 1032. The district court had held that districts 5 and 24, as drawn by Senate Bill 1, resulted in a "severe and extreme retrogression in minority voting strength" in Dallas County. Seamon at 1032. In this connection the court had found that the elimination of minority strength in district 5 was not justified by the increase in minority population in district 24, concluding that the substantial minority political influence existing in districts 5 and 24 under the pre-existing plan used in the 1970's was diluted by packing minorities into district 24 in Senate Bill 1. Seamon at 949.

¹ This finding of dilution by the court was based in part on a finding that while Senate Bill 1 had destroyed the minority influence in district 5, it had not produced a significant district in its place. Seamon at 957. As reflected in the submission of S.B. 1, district 24 was not a majority Black district nor did the minority voting strength in the proposed district 24 constitute a majority of the registered voters in the district.

Honorable William French Smith
Page 4.

As a practical matter, the Dallas black population is so dispersed that it is impossible to draw a district that contains a black majority. See Attachment 2. Districts 5 and 24 (S.B. 480) contain all of the heavy concentrations of Dallas' black population, yet the combined black population of the two districts would constitute a district of only 51.3% black population, and that population is located in non-contiguous areas of the county. The largest percentage of black population in a single Dallas County district of any plan considered by the Texas Legislature in either 1981 or 1983 was 47% (District 24, S.B. 1, 1981).

Two other realities confronted the district court with respect to Dallas County, both of which are more fully discussed below. The underpinnings of Senate Bill 1 were two erroneous assumptions about Dallas minority population. First, that the Black and Hispanic populations were fungible. Historically, such is not the case, for when these populations have been combined in districts, they have tended toward rivalry rather than coalition. Secondly, there is no current history of racially polarized voting in Dallas County.

Lack of Polarized Voting in Dallas County

The conclusion of the federal district court that a combined minority (black and Hispanic) population of 65% would not ensure election of a minority representative in Dallas County appears to be supported by that county's recent electoral history, which emphasizes rivalries between these two groups. See Attachment 3.

A recent example of the lack of polarization among minority voters in Dallas county is the April, 1983 city council race involving Ricardo Medrano, an Hispanic incumbent member of the Dallas city council. Medrano ran for re-election in a district that is approximately one-third black, one-third Hispanic, and one-third anglo. He was opposed by a black candidate and an anglo candidate.

After an election in which no candidate received a majority of the vote, Medrano was defeated by the anglo candidate, Paul Fielding, in a runoff election. Although two-thirds of the population of the district was minority, the anglo candidate received 52% of the vote, and Medrano, the minority candidate, received 48% of the vote.

Hispanics, likewise, have opted to support anglos when given a choice between a black candidate and an anglo candidate. In both the 1980 and 1982 general elections, Congressman Martin Frost, an anglo, carried the Hispanic vote over his black opponent. Congressman John Bryant also carried the Hispanic vote over his black opponent in the 1982 Democratic Primary.

Honorable William French Smith
Page 5

**5TH CONGRESSIONAL DISTRICT OF TEXAS - 1982
DEMOCRATIC PRIMARY**

Candidate	Vote	Percentage
JOHN BRYANT (Anglo)	566 ^a	90.0
J. B. JACKSON ^b (Black)	63 ^a	10.0

^a Votes shown are those coming from predominantly Hispanic precincts within the district -- 1192, 1213, 3301, 3303, 3307, and 3312.

^b Mr. Jackson is well known within the Black community of Dallas County. Mr. Bryant was a state representative at the time of his election to Congress.

Also, in the 1982 Democratic Primary, State Senator Oscar Mauzy, an anglo, faced a black opponent in a state senatorial district with a combined minority population that was greater than 65% of the total population (49.9% black and 15.7% Hispanic). Senator Mauzy won the primary with 54.22% of the vote. In addition to carrying a significant share of the black vote, he carried the anglo and Hispanic precincts of the district.

Pivotal role of minority voters

Minority voters have played a pivotal role in both districts 5 and 24 in the past. The district court noted that in the 1978 general election, Congressman Martin Frost lost the anglo vote in district 24 by about 5,000 votes, but carried the black precincts by approximately 11,000 votes, winning the election by 5,987 votes. Seamon at 953.

The district court also noted that former Congressman Jim Mattox lost the anglo vote in both the 1978 and 1980 general elections by a significant margin, but carried over 90% of the black vote in both elections. Mattox won the 1978 general election by 852 votes, and the 1980 general election by 3,044 votes. The court stated that "[h]is ability to capture such a high percentage of the vote from a group that actually constituted the minority of voters resulted in his success in the two elections." Id.

The two incumbent Congressmen, Martin Frost (24th district) and John Bryant (5th district), have received overwhelming support in the black community, even when faced with black opponents.

Honorable William French Smith
Page 6

**5th CONGRESSIONAL DISTRICT
BLACK VOTING PATTERNS***

Election	Candidate	Black Votg Totals
1982 Democratic Primary	JOHN BRYANT (Anglo)	2,284 (64.7%)
	J. B. JACKSON (Black)	1,245 (35.3%)

**24th CONGRESSIONAL DISTRICT
BLACK VOTING PATTERNS***

Election	Candidate	Black Vote Totals
1980 General Election	MARTIN PROST (Anglo)	25,921 (94.3%)
	CLAY SMOTHERS (Black)	1,575 (5.7%)
1982 General Election	MARTIN PROST (Anglo)	21,901 (94.0%)
	LUCY PATTERSON (Black)	1,426 (6.0%)

* The figures for the 1980 and 1982 races cited above were taken from testimony by Professor Larry Carlile before the Texas Senate, meeting on July 14, 1981 as a Committee of the Whole, and before the Texas House Committee on Regions, Compacts and Districts meeting on May 16, 1983. See Attachment 4.

Avoiding Retrogression

The court's plan, adopted by Senate Bill 680 with minor variations in district 24, "... avoids a retrogression in minority voting strength" in district 5, utilizing "... the historical and natural boundary-the Trinity River" Seamon at 956.

Minorities comprise 31.72% of the total population and 28.17% of the voting age population of district 5, and 44.68% of the total population and 39.55% of the voting age population of district 24.

Honorable William French Smith
Page 7

**MINORITY PERCENTAGE COMPARISONS BETWEEN
1970'S CONGRESSIONAL DISTRICTS AND
SENATE BILL 480**

District	Minority	1970's	S.B. 480
5th	Black	188	19.68
	Hispanic	118	12.28
24th	Black	268	31.78
	Hispanic	128	13.18

There is no retrogression in either district 5 or district 24. Senate Bill 480 contains higher minority population percentages than were present in pre-existing congressional districts in effect during the 1970's. See Attachment 3.

City of Arlington

The changes S.B. 480 made around Dallas county were made in response to a request by the City of Arlington to consider the city as a community of interest rather than dividing it into two districts. The major changes occurred in districts 24 and 26. The City of Arlington was united in district 26. To balance the population of the surrounding districts, district 3 was adjusted in Collin County, and the portion of district 6 that was in Dallas County was placed in district 24. District 6 was modified to include a small portion of Tarrant County.

These changes in the Dallas County area were made without significantly altering the minority population of the districts. District 24 had a 45.51% combined minority population under the court plan. Senate Bill 480 gives district 24 a 44.68% combined minority population. District 26 gained minority population - the percentage of minority population increased from 6.99% to 8.59%. The minority population of district 3 declined from 7.38% to 6.61% of the total population of the district. The minority population of district 6 declined by .05%, from 16.62% to 16.57%.

DISTRICT 23

Districts 21 and 23 were modified slightly in the Bexar County area to create one additional district with a minority population greater than 60% of the total population. The minority population of district 23 was increased from 57.18% to 60.25% of the total population of the district, while the minority population of district 21 declined from 25.06% to 21.90% of the total population of the district.

Honorable William French Smith
Page 8

DISTRICT 12

The Legislature changed district 12 slightly, moving census tract 1023.02 into district 12 and census tract 1024.02 out of district 12 into district 6. The minority population of district 12 increased slightly, from 27.52% to 27.53% of the total population.

COMPARISON OF MINORITY DISTRICTS

Senate Bill 480 creates six districts with minority populations that comprise more than 60% of the total population:

District	Percentage Black	Percentage Hispanic	Percentage Minority
(de la Garza)	15	47	71.74
(Coleman)	16	3.65	60.22
(Leland)	18	40.81	31.21
(Gonzalez)	20	8.77	61.73
(Kasen)	22	4.11	56.22
(Ortiz)	27	2.74	61.50

The court in Shannon v. Dehan, supra, created five districts in which minorities made up more than 60% of the total population:

District	Percentage Black	Percentage Hispanic	Percentage Minority
15	47	71.44	72.17
16	3.65	60.22	63.75
18	40.81	31.22	71.68
20	8.77	61.73	70.34
27	2.74	61.52	64.15

The pre-existing congressional districting plan provided for four districts with minority populations greater than 60%:

District	Percentage Minority Population
15	77.89
16	60.59
18	74.19
20	77.66

Honorable William French Smith
Page 9

SUPPORT BY THE LEGISLATURE

Minority members of both the Texas Senate and the Texas House of Representatives supported Senate Bill 480. In the Senate, there was no minority opposition to the bill; all five minority Senators supported it. One minority House member, Rep. Paul Moreno, voted against the bill, while 26 minority members supported the bill. Five minority House members did not vote. See Attachment 6. In the House of Representatives, on May 26, 1983, a motion was made to amend Senate Bill 480 by adopting Senate Bill 1 of the 1981 Texas Legislature. No minority member of the Texas House of Representatives supported the adoption of the Senate Bill 1 (1981 Legislature) provisions when they were offered. See Attachment 7.

CONCLUSION

Senate Bill 1 was attacked from four directions. The Justice Department objected to districts 15 and 27 in the Rio Grande Valley. In court, attacks were made upon: (1) the Dallas County districts, (2) the Harris County districts, and (3) district 23 in the Rio Grande Valley.

Senate Bill 480 attempts to address all attacks. The Justice Department objection to districts 15 and 27 was remedied in the court plan used in the 1982 elections. Senate bill 480 retains those court-ordered districts.

The court did not find that the Senate Bill 1 districts in Harris County diluted minority voting strength; those districts were used in the 1982 elections. The legislature chose to retain those districts in Senate Bill 480.

Although the court did not find that the configuration of district 23, as drawn in Senate Bill 1, denied minorities the right to participate equally in the political process, the legislature adjusted the lines of districts 23 and 21 to increase the minority population of district 23 from 37.10% to 60.25% of the total population. The minority population of district 21 decreased from 25.06% to 21.90% of the total population of the district.

The federal district court found that the Dallas County districts in Senate Bill 1 were dilutive of minority voting strength, and adjusted those districts to correct the problem that it perceived there. Senate Bill 480 preserves those districts, except for the unification of the City of Arlington in district 26, and other minor changes that were made to preserve the minority population percentages that the court had determined were not retrogressive in the adjoining districts. The modification of the districts in Dallas County had virtually no impact on the minority voting strength established by the court.



OFFICE OF THE SECRETARY OF STATE

David A. Dean
Secretary of State

October 30, 1981

Elections Division
Campaign and Ethics Section
Voter Registration Section
P.O. Box 2887
Austin, Texas 78711-2887

The Honorable William French Smith
United States Attorney General
Department of Justice
Constitution Avenue and 10th Street, N.W.
Washington, D.C. 20530

ATTN: Mr. William Bradford Reynolds
Assistant Attorney General, Civil Rights Division

RE: Submission under Section 5 of the Voting Rights Act
of Senate Bill 1, First Called Session, Sixty-Seventh
Legislature

Dear Attorney General Smith:

Enclosed is Appendix C-7 which is to be included with the submission previously delivered to you on September 11, 1981. It contains a chronological development in the House and Senate of the redistricting plan into its final form with amendments and the demographics, maps and record votes on the various changes in the plan. It also includes complete transcripts of all House and Senate committee hearings and floor debate during the special legislative session on the redistricting plan. Public hearings throughout the State were conducted by the House and Senate prior to and during the regular session. Transcripts of those hearings are not provided because it was virtually repeated during the special session. They can, however, be furnished upon request.

Also enclosed is a new Appendix C-3 which is to be substituted for the one previously furnished. The new Appendix C-3 includes some data from elections that were inadvertently omitted and excludes some that should not have been presented. They are very minor and make no change in the results or opinions of the study.

Sincerely,

A handwritten signature in dark ink, appearing to read "David A. Dean".

David A. Dean
Secretary of State

DAD:mr

Enclosures

cc: Mark White

OFFICE OF THE SECRETARY OF STATE



JOHN W. FAINTER, JR.
SECRETARY OF STATE

July 31, 1983

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512 475-7886

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and Legislative Filings
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Notary Public
P.O. Box 12079
512 475-2703

Trademarks
P.O. Box 12887
512 475-1362

Honorable William French Smith
United States Attorney General
U.S. Department of Justice
10th & Penn. Ave. N.W.
Washington, D.C. 20530

Attn: Assistant Attorney General
Civil Rights Division

RE: Submission under Section 5,
Voting Rights Act, of Senate
Bill 480, 68th Legislature,
1983.

Dear General Smith:

Enclosed is a certified copy of Senate Bill 480, submitted in compliance with Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. §1973c (West Supp. 1982)).

The authority responsible for the passage of the Act was the Texas Legislature. This Act was adopted pursuant to the provisions of Tex. Const. art. III, §30. The procedure for the adoption of the change is not subject to preclearance. This Act was adopted by the Texas Senate on May 2, 1983, and passed by the House of Representatives of Texas with amendments on May 27, 1983. The Texas Senate concurred in the House amendments on May 28, 1983. The Act is effective beginning with the 1984 elections.

The provisions of this Act have not been implemented. The provisions of Senate Bill 480 do not affect members of racial or minority language groups differently from the way they affect the general public.

The Act apportions the State into Congressional districts.

1 AUG 1983

certified 20
962457 7/27/83

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Honorable William French Smith
Page 10

Your expedited consideration of this submission is requested as Texas' congressional redistricting plan continues to be involved in litigation.

If you have any questions or need additional information, please contact Sharon Talley, Assistant General Counsel, Elections Division, at (512) 475-3091.

Sincerely,



John W. Painter, Jr.
Secretary of State

JWF:blt

Enclosure

Perry C. McCorkle



Office of the

SECRETARY OF STATEJohn Hannah, Jr.
SECRETARY OF STATE

September 16, 1991

EXECUTIVE DIVISION
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P.O. Box 12687
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(512) 463-5654Texas Register
P.O. Box 12624
Austin, Texas 78711-2624
(512) 463-5764Uniform Commercial Code
P.O. Box 12199
Austin, Texas 78711-2199
(512) 472-2705Assistant Attorney General
U.S. Department of Justice
Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128RE: Submission under Section 4, Voting Rights
Act, of House Bill 1, 72nd Legislature,
Second Called Session, 1991.

Dear Sir:

The legislature of the State of Texas has enacted House Bill 1, 72nd Legislature, Second Called Session, 1991 (the "Act"), which concerns the apportionment of the state of Texas into congressional districts.

Pursuant to the requirements of 28 C.F.R. § 51.27, the following information is submitted with respect to this Act:

- (a) & (b) A certified copy of the Act is attached and incorporated by this reference as Exhibit "A" as if fully copied and set forth at length.
- (c) House Bill 1 was enacted to comply with article 1, section 2, clause 3 of the United States Constitution and section 2 of the fourteenth amendment which provides that congressional representatives must be apportioned among the states according to their respective populations. U.S. Const. art. I, § 2, cl. 3, amended by U.S. Const. amend. XIV, § 2.
- (d) The submitting authority is the Honorable John Hannah, Jr., Secretary of State of Texas, in his capacity as chief election officer of Texas. The Secretary of State's Office may be reached at P.O. Box 12660, Austin, Texas 78711-2660, (512) 463-5650. If you have any questions regarding this submission, please contact Elizabeth Hanshaw, Staff Attorney, Elections Division, at the above address and telephone number.

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PLAINTIFF'S
EXHIBIT
170

**Assistant Attorney General
Page 2**

- (e) Not applicable.
- (f) Not applicable.
- (g) The authority responsible for the passage of the Act was the Texas Legislature.
- (h) The Act was adopted pursuant to the provisions of Tex. Const. art III, § 30, a copy of which is attached and incorporated by this reference as Exhibit "B".
- (i) The Act was passed by the House of Representatives of Texas, with amendments, on August 21, 1991, and passed by the Texas Senate, with amendments, on August 23, 1991. The Act was signed by Governor Richards on August 29, 1991.
- (j) The Act takes effect beginning with the election of the 103rd Congress.
- (k) The provisions of this Act have not been implemented.
- (l) These procedures will affect the entire state of Texas.
- (m) The reason for the changes provided for in this Act is that the Apportionment Clause of article I, section 2, of the United States Constitution, together with the amendment to that section made by section 2 of the Fourteenth Amendment, requires seats in the House of Representatives of the United States Congress to be apportioned among the states according to the "whole number of persons in each State" and to be elected "by the people of the several States." U.S. Const. art. I, § 2, cl. 3, amended by U.S. Const. amend. XIV, § 2. The state legislature must apportion the congressional districts into districts with populations as equal as practicable: *Karcher v. Daggett*, 463 U.S. 725 (1983).

For a more in-depth analysis as to the reasons for the particular changes in the Act, we have attached a narrative of the Voting Rights Act considerations in particular areas. The narrative was prepared by the Texas Congressional Redistricting Staff, which is attached and incorporated by this reference as Exhibit "C" as if fully copied and set forth at length.
- (n) The Act will not affect members of any racial or linguistic minority differently from the way the general public is affected. The Act does not have the intent and will not have the effect of diluting the voting strength of any racial or linguistic minority.

Perry C. McCockle

Assistant Attorney General
Page 3

(c) Past litigation is as follows: *Malden v. Elmer et al.*, No. 91-6401 (Dist. Ct. of Travis County, 126th Judicial Dist. of Texas, Dismissed May 10, 1991). Pending litigation regarding this act is as follows: *Mena v. Richards et al.*, No. C-484-91-P (Dist. Court of Hidalgo County); *Mena v. Monaghan et al.*, No. D-91-418 (United States District Court for the Southern District of Texas-Brownsville); *Tammar v. Slagle et al.*, No. A-91-CA-428 (United States District Court for the Western District of Texas-Austin).

(p) Previous apportionment of the state into congressional districts pursuant to the 1980 Federal Census figures was proclaimed on September 27, 1983.

Pursuant to the requirements of 28 C.F.R. § 51.28, the following information is submitted with respect to this Act:

(a) Demographic information

(1) Charts evidencing the total population before and after the change by race and language group are attached and incorporated by this reference in Boxes "20" and "21" as if fully copied and set forth at length.

Charts evidencing the voting age population before and after the change by race and language group are attached and incorporated by this reference in Boxes "20" and "21" as if fully copied and set forth at length.

(2) Chart evidencing the number of Hispanic registered voters by voting precinct before the change is attached and incorporated by this reference in Box "21" as if fully copied and set forth at length. This figure is derived by running a Spanish surname tape against our statewide voter registration master file.

We do not collect information regarding race in voter registration; therefore, we are unable to provide information regarding the number of Blacks who are registered voters.

Assistant Attorney General
Page 4

(b) Maps

- (1) Maps evidencing current and new boundaries of the apportionment of the congressional districts are attached and incorporated by this reference in Tube "3" as if fully copied and set forth at length.
- (2) Maps evidencing current boundaries of voter tabulation districts for each county in the State of Texas were included with our submission concerning the Texas Senate Redistricting Plan, Senate Bill 31, labeled as Tubes "4A", "4B", "5A", and "5B" forwarded to the Department of Justice on August 8, 1991.
- (3) Maps evidencing the voting age population of the State of Texas are attached and incorporated by this reference in Tubes "1A" and "1B" as if fully copied and set forth at length.

Maps evidencing the total population of the state of Texas by race and language group are attached and incorporated by this reference in Tubes "2A" and "2B" as if fully copied and set forth at length.

All the above maps are provided in duplicate.

- (d) Information regarding election returns was included with our submission concerning the Texas Senate Redistricting Plan, Senate Bill 31, labeled as "Boxes 3-10" forwarded to the Department of Justice on August 8, 1991.
- (f) Information regarding publicity and participation is attached and incorporated by this reference in Boxes "1-19", as if fully copied and set forth at length.
- (g) For information regarding minority group contacts, please contact:

Ms. Ethel Minor
Chapter President
NAACP
P.O. Box 20225
San Antonio, Texas 78220
(512) 224-7636

Ms. Judith Sanders-Castro
MALDEF
The Book Building, Suite 300
140 East Houston Street
San Antonio, Texas 78205
(512) 224-5383

Assistant Attorney General
Page 5

A detailed list of all data submitted is attached and incorporated by this reference as Exhibit "D" as if fully copied and set forth at length.

If you have any questions or need additional information, please contact Elizabeth Hanshaw, Staff Attorney, Elections Division, at (512) 463-6650.

Sincerely,

John Hannah, Jr.
John Hannah, Jr.
Secretary of State

JH:TH:EAH:im

Enclosures

EXHIBIT D**1991 TEXAS REDISTRICTING
CONGRESSIONAL SUBMISSION****BOX 1**

County Population Analysis - 1990 (Ethnic Breakdown)

County Population Comparison 1980/1990 Census Totals

Public Access To Information, Data, And Computer Systems

- memos regarding client accounts.
- lists of client accounts and authorized users of those accounts in the computer system
- computer system appointment schedule 4-22 to 7-28
- computer system client access log 4-22 to 7-28
- charts of plotted maps produced 7-10 to 7-25
- charts of PAR (Plan Analysis Reports) requests filed 4-22 to 7-25
- documents relating to public plans
- memo regarding public access to redistricting facilities
- list of Red Apple Users (Attorney General)

• Litigation

Litigation: Tennessee v. Siegel et al. No. A-91-CA-428
(United States District Court for the Western District of Texas - Austin).

Litigation: Mena v. Magbacher (Volume 1&2)

Litigation: Mena v. Magbacher (Volume 3)

Litigation: Mena v. Ann W. Richards

Perry C. McCorkle

BOX 2**Adoption of Schedule of Joint Regional Hearings****Correspondence (August 1990-June 1991)****Minutes Summaries (January 26, 1990-September 22, 1990)****Miscellaneous Correspondence (March 1990-January 1991)****Regional Public Hearings on Senate and House Redistricting in 1990****Austin (January 26, 1990)****Agenda
Witness Affirmations
Correspondence
Minutes****Austin (February 24, 1990)****Agenda
Witness Affirmations
Correspondence
Minutes****Lubbock (March 16, 1990)****Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary****Amarillo (March 17, 1990)****Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary****Corpus Christi (April 6, 1990)****Agenda
Witness Affirmations**

Correspondence
Minutes
Newspaper Clippings
Summary

El Paso (May 14, 1998)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

Midland/Odessa (May 19, 1998)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

BOX 3

Regional Public Hearings on Senate and House Redistricting in 1998 (continued)

Houston (June 1, 1998)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

Beaumont (June 21, 1998)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

Tyler (June 23, 1998)

JULY 11, 1990

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

Fort Worth (July 13, 1990)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

Dallas (July 14, 1990)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

Laredo (July 27, 1990)

Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary

BOX 4**Regional Public Hearings on Senate and House Redistricting in 1990 (continued)****Edinburg/Harlingen (July 28, 1990)**

Agenda
Witness Affirmations
Correspondence
Minutes

Perry C. McCorkle

**Newspaper Clippings
Summary****San Antonio (August 28, 1990)****Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary****Austin (September 28, 1990)****Agenda
Witness Affirmations
Correspondence
Minutes
Newspaper Clippings
Summary****Texas Southern University - Houston (April 8, 1991)****Agenda
Witness Affirmations
Correspondence
Minutes
Transcripts****Texas Southmost College - Brownsville (April 26, 1991)****Agenda
Witness Affirmations
Correspondence
Minutes
Transcripts****Beethoven Hall - San Antonio (May 1, 1991)****Agenda
Witness Affirmations
Correspondence
Minutes
Transcripts**

Perry C. McCorkle

BOX 5

PLAN C509 Johnson Initial Plan (4-30-91)
PLAN C503 Texas Fair Redistricting Committee Congressional Proposal 1 (5-6-91)
PLAN C504 Elvins Proposal (5-7-91)
PLAN C505 Congressional Delegation Proposal 1 (5-14-91)
PLAN C508 Johnson Plan (5-14-91)
PLAN C509 Subcommittee Amendment (5-14-91)
PLAN C510 Karbel Congressional Proposal (5-15-91)
PLAN C512 Harris (C) Subcommittee Amendment, Tarrant County (5-14-91)

BOX 6

PLAN C519 Harris (C) Subcommittee Amendment, Tarrant County (5-15-91)
PLAN C521 Texas Fair Redistricting Committee Congressional Proposal 2 (5-15-91)
PLAN C522 CBBB 1365 Subcommittee Report (5-15-91)
PLAN C523 Tejeda/Lucio Amendment (5-15-91)
PLAN C525 Congressional Delegation Proposal 2 (7-3-91)
PLAN C526 Marchant (Barton) Proposal To Make Ellis/Johnson Whole In Plan (7-19-91)
PLAN C527 Garland Redistricting Task Force Congressional Proposal 1 (7-18-91)

Perry C. McDorkle

BOX 7

PLAN C338 Garland Redistricting Task Force Congressional Proposal 2 (7-18-91)
PLAN C339 Jones West Texas Proposal (8-5-91)
PLAN C330 Committee Substitute For H.R. 71 (8-3-91)
PLAN C331 Solente House Committee Amendment (8-5-91)

BOX 8

PLAN C334 Uber House Committee Amendment (8-3-91)
PLAN C335 Uber/Jones House Committee Amendment (8-5-91)
PLAN C344 Rodriguez House Committee Amendment (8-5-91)
PLAN C345 Uber/Early House Committee Amendment (8-5-91)
PLAN C347 McCollough House Committee Amendment (8-5-91)
PLAN C348 Jones House Committee Amendment (8-5-91)
PLAN C349 Wilson House Committee Amendment (8-5-91)
PLAN C350 McCollough House Committee Amendment (8-5-91)
PLAN C351 House Committee Report (8-5-91)

BOX 9

PLAN C352 Blair Floor Substitute (8-5-91)
PLAN C353 Jones/Rodriguez House Committee Amendment (8-5-91)
PLAN C354 Craddick House Committee Substitute (8-15-91)
PLAN C356 Craddick Floor Amendment (8-7-91)
PLAN C357 Craddick Floor Substitute (8-7-91)

Perry C. McCorkle

BOX 10

PLAN C863 McCollough Floor Amendment 1 (8-9-91)
PLAN C864 McCollough Floor Amendment 2 (8-7-91)
PLAN C865 Jones Floor Amendment (8-9-91)
PLAN C866 Uher Floor Amendment (8-7-91)
PLAN C867 Uher Floor Amendment to Amendment (Plan C866)
PLAN C869 Thompson (G) Floor Amendment
PLAN C870 Wentworth Floor Amendment (8-7-91)
PLAN C871 Clemens Floor Amendment (8-7-91)
PLAN C873 Gallegos Floor Amendment (8-7-91)
PLAN C874 H.R. 71 Reagreement (8-7-91)

BOX 11

PLAN C878 Garland Redistricting Task Force Congressional Proposal 3 (8-10-91)
PLAN C879 Johnson Substitute For S.R. 12 (8-10-91)
PLAN C882 Riving Congressional Proposal (8-10-91)

BOX 12

PLAN C887 Garland Redistricting Task Force Congressional Proposal 4 (8-10-91)
PLAN C889 Garland Redistricting Task Force Congressional Proposal 5 (8-10-91)

PLAN C593 Cradick Committee Substitute (8-19-91)
PLAN C594 Joint Committee Amendment (8-19-91)
PLAN C595 Uber Tom Green County Committee Amendment (8-19-91)
PLAN C596 Uber Coastal Plains Committee Amendment (8-19-91)
PLAN C597 McCollough Committee Amendment (8-19-91)
PLAN C598 Martinez Harris County Committee Amendment (8-19-91)

BOX 13

PLAN C606 Proposal By A.J. Fats (8-19-91)
PLAN C611 House Committee Report (8-19-91)
PLAN C615 Grunsdorf Floor Substitute (8-21-91)
PLAN C616 Cradick Committee Amendment (8-19-91)
PLAN C618 Martinez Floor Amendment (8-21-91)

BOX 14

PLAN C619 Smiths Floor Amendment (8-21-91)
PLAN C620 Burlingame Floor Amendment (8-21-91)
PLAN C621 Westworth Floor Amendment (8-21-91)
PLAN C622 Gallages Floor Amendment (8-21-91)
PLAN C624 Thompson (G.) Floor Amendment (8-21-91)
PLAN C625 Eckels Floor Amendment (8-21-91)
PLAN C626 Junnell Floor Amendment (8-21-91)

BOX 15

PLAN C629 **Merchant Floor Amendment (8-21-91)**
PLAN C630 **Black Floor Amendment (8-21-91)**
PLAN C631 **Uher Floor Amendment (8-21-91)**
PLAN C632 **Junnell Floor Amendment (8-21-91)**
PLAN C634 **Repp Floor Amendment To Craddick Substitute (Plan C692) (8-21-91)**
PLAN C635 **Hampic Floor Amendment (8-21-91)**
PLAN C636 **Oakley Floor Amendment (8-21-91)**

BOX 16

PLAN C637 **H.R. 1 Engrasement (8-21-91)**
PLAN C641 **Johnson Substitute Congressional Plan (8-24-91)**

BOX 17

PLAN C643 **District Contiguity Analysis - Lyon Floor Amendment 1 (8-28-91)**
PLAN C648 **District Contiguity Analysis - Lyon Floor Amendment 2 (8-28-91)**

BOX 18

PLAN C646 **Johnson Committee Substitute to H. R. 1 (8-24-91)**
PLAN C652 **Truax Committee Amendment (8-24-91)**
PLAN C654 **Glasgow Committee Amendment (8-24-91)**

FERRY C. PELAKIS

PLAN C657 H.B. 1 72nd Legislature, 2nd Called Session, Enacted August 25, 1991

PLAN C658 Craddick Floor Substitute as Amendment by Repp (8-28-91)

BOX 19

PLAN C659 Jones Amendment 2 (8-7-91)

PLAN C660 Craddick Committee Substitute (8-19-91)

PLAN C661 Smith (D) Amendment (8-21-91)

PLAN C662 Usher Guadalupe County Technical Corrections Amendment (8-21-91)

PLAN C663 Hilbert Floor Amendment by Repp (8-21-91)

PLAN C664 Juncell Tom Green County Floor Amendment (8-7-91)

PLAN C665 Gallegos Amendment As Amended 8-21-91 (8-21-91)

BOX 20

Plan Population Analysis - Current Lines

District Population Analysis - Current Lines

Plan Population Analysis - House Bill 1

District Population Analysis - House Bill 1

BOX 21

Summary of House Floor Action & House Journals

District Population Analysis - House Bill 1 Continued from Box 20

Statistical Report of Hispanic Registered Voters By Voting Precinct

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THE SENATE COMMITTEE ON REDISTRICTING
SUBCOMMITTEE ON CONGRESSIONAL REDISTRICTING
78th LEGISLATURE

JULY 2, 2003

1:00 p.m.

Cesar Chavez High School
8501 Howard Drive
Houston, Texas 77017

Reported by: Carol N. Castillo, CSR
Spanish Interpreter: Araceli Sullivan

LEX COURT REPORTING SERVICES, INC.
(713) 524-0040



1 opening statement in just a moment.

2 Before we begin, let me first
3 indicate to you that we will have a translator for
4 any person who feels more comfortable with that
5 service during the testimony, either in giving
6 testimony or listening to the proceedings today.
7 Our translator is Araceli Sullivan.

8 Ms. Sullivan, would you please
9 approach and explain the process for best access to
10 your services.

11 MS. SULLIVAN: Good afternoon. My
12 name is Araceli Sullivan. I'm the interpreter
13 here. I'm a licensed Court interpreter and I'm
14 here to assist anyone who needs help from English
15 to Spanish or from Spanish into English.

16 (Introduction in Spanish.)

17 SENATOR DUNCAN: Thank you very
18 much. On behalf of the Senate Jurisprudence
19 Committee, I want to thank all of you for taking
20 the time to come here today to share your views
21 with us.

22 Governor Perry has called the Texas
23 Legislature into special session to consider
24 congressional redistricting. This is not a simple
25 or casual task and it is one that we know the

1 people have strong feelings about. We want to hear
2 what your views on this important topic are. These
3 proceedings are being transcribed so that we can
4 make them a part of the Legislative record and can
5 share them with persons who are not here today. As
6 we consider this issue, we are constrained by
7 various legal requirements that you should be aware
8 of.

9 First, any plan that we adopt must
10 comply with the Federal Constitutional requirement
11 of one person, one vote. Each of the 32 Texas
12 Congressional districts are to be equal in size and
13 they will need to have 651,619 persons each. We
14 will need to draw the districts that will be at or
15 very near that size.

16 Second, the State of Texas is
17 covered by Section 5 of the Federal Voting Rights
18 Act. As a result, we are obligated to be sure that
19 any changes we make will not result in a
20 retrogression in minority voting stream. In other
21 words, any plan drawn by the Legislature may not
22 have the purpose or effect of worsening the
23 position of minority voters when compared to the
24 current plan which was drawn in 2001 by the Federal
25 Court.

1 Third, we need to be sure that any
2 plan the Legislature adopts ensures that minority
3 voters do not have less opportunities than other
4 members of the elector to participate in the
5 political process and to elect candidates of their
6 choice.

7 Finally, we need to conform to the
8 Supreme Court repeated directions over the past 10
9 years that redistricting not result in racial
10 gerrymandering. In particular, we need to be sure
11 that race is not the predominant force in the
12 redistricting process to the subordination of the
13 traditional districting principles ^^ (GET COPY).

14 Members, this looks like a great
15 crowd today. I want to turn the mike over to our
16 Vice-chairman Senator Mario Gallegos, who has
17 helped us in making the arrangements and has
18 invited us here as our host here today. Senator
19 Gallegos.

20 SENATOR GALLEGOS: Thank you,
21 Mr. Chairman. I want to welcome everybody here to
22 Cesar Chavez High School. It's a beautiful school,
23 to the tune of \$50 million, and those of us here on
24 the east side are very proud of it. I do want to
25 welcome my colleagues that are here that the

1 is Senate Bill 25, which I filed, which is simply
2 the court -- the court ordered plan. Which is the
3 current congressional district as reflected by the
4 map, over there on, what would be y'all's right
5 side.

6 To my knowledge, not a single member
7 of this committee, now we're talking about this
8 committee and I'm referring to the jurisprudence
9 committee itself, has in any way begun to look at
10 or even begun discussing the so-called maps. Our
11 duty is to hold public hearing, get input from you
12 folks, the people that this affects and then in
13 turn, to begin our deliberations based upon the
14 public input that we receive from this public
15 hearing. And that's why it's very important to all
16 of us that you-all not only express your views, but
17 give us real meat issues such as community events
18 and the various things that Senator Duncan was
19 referring to earlier.

20 Now, there will be times when I get
21 up and walk around and it appears to you that I'm
22 not listening. I'm going to apologize to you ahead
23 of time. I've got advanced Rheumatoid Arthritis.
24 And I'm telling you after four days up and down, in
25 the pressurized airplane, my joints are giving me

1 pure "H-E", and I'm going to be getting up and
2 moving around. Please do not think that I'm not
3 listening. I'll probably be walking back and
4 forth. I understand that the screen over here.
5 And again, we are here to hear your interest.

6 Mr. Chairman, I thank you.

7 SENATOR DUNCAN: Thank you Senator
8 Harris. Senator West.

9 SENATOR WEST: Mr. Chairman, it's a
10 pleasure being in Houston. Senator Gallegos and
11 Senator Lindsey and Senator Janek, I just would
12 like to say this is like a second home after
13 graduating from the University of Houston Law
14 School. Senator Whitmire just walked out.

15 You know, I've attended a lot of
16 hearings. Today we have 12 Senators here at this
17 committee meeting. Frankly --

18 SENATOR WHITMIRE: I think today I
19 would rather be with the people. But since I know
20 y'all aren't, I'm going to come join y'all.

21 SENATOR WEST: We have 12 Senators
22 here today. And it takes two-thirds of the
23 Senators to transact any business in the State of
24 Texas or the State Senate. You have over one-third
25 of the senators here in Houston today. That tells

1 you how serious we take this particular issue. I
2 can tell you that many of my colleagues on the
3 jurisprudence committee have not made up their
4 minds be they Republicans or I think Democrats made
5 up their minds already.

6 And I'm glad to hear that. But the
7 fact is that you will not only be talking to the
8 Senators today, the Senators will be listening to
9 you today. And there is a difference between the
10 two. Because obviously we can sit here and let you
11 talk. And then when we go back to Austin, we can
12 make decisions to whether or not we're going to
13 listen to you in terms of making policy decisions.
14 We've been in San Angelo and started off in Laredo
15 and left McAllen last night and here in Houston.
16 Let me assure you and I believe, Senators Duncan
17 who I respect a great deal and not only as a
18 Senator but also as a friend, we are taking our
19 time on this particular issue to make sure that
20 everyone has an opportunity to say what they want
21 to say. And to make sure that as we negotiate, as
22 we debate and deliberate on this particular issue,
23 that we have the record of exactly who expressed
24 what as it relates to redistricting in the State of
25 Texas. So I'm glad to be here and I will be here

1 that's to hear directly from you and your
2 interests. And I can assure you that each one of
3 us are keenly interested in your views and your
4 opinions in this process and look forward to
5 hearing your thoughts today.

6 Thank you, Mr. Chairman.

7 SENATOR DUNCAN: Thank you, Staples.
8 Senator Harris.

9 SENATOR HARRIS: Mr. Chairman, Ellis
10 just walked in. And I think if we end up with two
11 more senators, we're going to have to adjourn this
12 forum

13 SENATOR DUNCAN: We're getting
14 close. That's a good problem. At this time the
15 Chair recognizes Senator Averitt.

16 SENATOR AVERITT: Thank you, Mr.
17 Chairman.

18 I'm very pleased to be here today.
19 And I'm honored that you're here. Before the
20 meeting began just a few minutes ago I had an
21 opportunity to meet some of the folks here today.
22 And surprisingly I detected an amount of cynicism
23 about why we are here. Let me assure that you the
24 reason we are here is to hear your opinions. Your
25 opinions are very important. You are an equal part

1 of this process. We've been having hearings all
2 over the State. And we're getting very
3 constructive comments from every part of the
4 State. Your opinions will be taken into account if
5 and when we decide we're going to do a restricting
6 matter. So it's great that you're here and we're
7 looking very much forward to hearing your testimony
8 and your opinions.

9 Thank you, Mr. Chairman.

10 SENATOR DUNCAN: Thank you, Senator
11 Averitt. One more committee member who could not
12 be here because of health reasons is Senator Eddie
13 Lucio. Many of you heard that Eddie had a heart
14 attack just right after the session. He's
15 recovering well. And we anticipate Senator Lucio
16 will be back with us. We certainly need and desire
17 his counsel and advice as we consider this
18 difficult issue.

19 Also it is the duty of the committee
20 that we always welcome and invite one of our other
21 colleagues to be with us as we go through here and
22 I want to let each of them make a brief opening
23 statement as well. I'll first turn by seniority
24 and he's the dean of the Senate. John Whitmire.
25 Senator.

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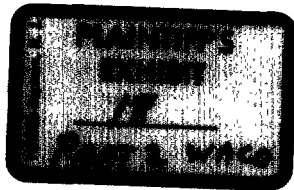
REPORTER' S RECORD
VOLUME 1 OF 1
TEXAS STATE SENATE COMMITTEE ON JURISPRUDENCE
REGIONAL HEARING IN WACO, TEXAS
JULY 9TH AND 10TH, 2003

PANEL MEMBERS:

- Senator Robert Duncan, Chairman
- Senator Mario Gallegos, Jr., Vice Chairman
- Senator Kip Averitt
- Senator Chris Harris
- Senator Royce West

ALSO PRESENT:

- Senator Leticia Van de Putte
- Dan Carroll, Translator
- Professor David Guinn, Baylor School of Law
- Professor Mike Morrison, Baylor School of Law



REPORTER'S RECORD (Continued)

VOLUME 1 OF 1

TEXAS STATE SENATE COMMITTEE ON JURISPRUDENCE

REGIONAL HEARING IN WACO, TEXAS

JULY 9TH AND 10TH, 2003

BE IT REMEMBERED that on the 9th day of July, 2003, between the hours of 1:00 p.m. and 11:59 p.m., and continuing on the 10th day of July, 2003, between the hours 12:00 a.m. and 12:41 a.m., the above entitled cause came on for public hearing at Baylor University School of Law, 1114 S. University Parks Drive, Room 127, Waco, McLennan County, Texas, 76798, before the Texas State Senate Committee on Jurisprudence, Chairman Senator Robert Duncan, Vice Chairman Senator Mario Gallegos, Jr., Senator Kip Averitt, Senator Chris Harris and Senator Royce West, and the following proceedings were had, to-wit:

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1	CHRONOLOGICAL INDEX	
2	VOLUME 1 OF 1	
3	JULY 9, 2003	PAGE VOL.
4	Roll Call	16 1
5	OPENING STATEMENTS OF SENATE MEMBERS	16 1
6	Chairman Senator Duncan	16 1
7	Senator Averitt	20 1
8	Senator Harris	24 1
9	Senator West	26 1
10	Vice Chairman Senator Gallegos	31 1
11	Senator Van de Putte	43 1
12		
13	PUBLIC TESTIMONY BY	PAGE VOL.
14	(1) Representative Jim Dunnam	47 1
15	(2) Representative John Mabry	51 1
16	Questions by Senator Harris	55 1
17	Questions by Senator West	59 1
18	Questions by Vice Chairman Senator Gallegos	63 1
19	(3) Mayor Maureen J. Jouett, Killeen	65 1
20	Questions by Senator West	68 1
21	Questions by Senator Harris	69 1
22	Questions by Senator Van de Putte	69 1
23	(4) Mayor Dennis J. Cogliati, Lacy-Lakeview	73 1
24	(5) Mayor John Moser, Stephenville	74 1
25	Questions by Chairman Senator Duncan	77 1
	Questions by Vice Chairman Senator Gallegos	78 1
	(6) Mayor W. Leon Smith, Clifton	79 1
	Questions by Vice Chairman Senator Gallegos	81 1
	Questions by Chairman Senator Duncan	81

1 CHAIRMAN SENATOR DUNCAN: All right. The 01:25 PM
2 Senate Committee on Jurisprudence will come to order.
3 The Clerk will call the roll.

4 COMMITTEE CLERK: Senator Duncan?

5 CHAIRMAN SENATOR DUNCAN: Here. 01:25 PM

6 COMMITTEE CLERK: Senator Gallegos?

7 VICE CHAIRMAN SENATOR GALLEGOS: Here.

8 COMMITTEE CLERK: Senator Averitt?

9 SENATOR AVERITT: Here.

10 COMMITTEE CLERK: Senator Harris?

11 SENATOR HARRIS: I'm here.

12 COMMITTEE CLERK: And Senator West?

13 SENATOR WEST: Here.

14 CHAIRMAN SENATOR DUNCAN: Thank you. A

15 quorum is present. 01:26 PM

16 OPENING STATEMENT BY CHAIRMAN SENATOR DUNCAN

17 CHAIRMAN SENATOR DUNCAN: My name is

18 Robert Duncan. I'm the State Senator from Lubbock,

19 Texas and I'm honored to serve as the Chairman of the

20 Senate Jurisprudence Committee, which will be presiding 01:26 PM

21 here in Waco today.

22 First, I would like our translator to make

23 an announcement that she is available -- that he is

24 available to translate for persons who might have a

25 Spanish trans -- or might find that translation in 01:26 PM

1 Spanish or to English would be helpful. 01:26 PM

2 Would you please approach, Mr. Carroll,
3 and explain how your -- explain how your services will
4 work both in English and in Spanish?

5 MR. CARROLL: All right. I'm here just to 01:26 PM
6 translate for those who do not speak English, who speak
7 either Spanish or Castillian. If you are going to be
8 testifying in Spanish, I would ask you to approach the
9 microphone and speak either in phrases or in short
10 sentences because I wouldn't want to run the risk of -- 01:26 PM
11 if you go on for a long time, that I would forget
12 something that you have said. And I suppose I could
13 translate from right here also while someone is at the
14 microphone.

15 (Whereupon, Mr. Carroll translated
16 (above statement in Spanish.

17 CHAIRMAN SENATOR DUNCAN: Thank you very
18 much.

19 As I stated earlier, the testimony today
20 and all of our proceedings will be taken down by a 01:27 PM
21 certified shorthand reporter. Debbra Wood is down here
22 with us, and I wanted to introduce her to you.

23 On behalf of the Senate Jurisprudence
24 Committee, I want to thank all of you for taking the
25 time to come here today to share your views with us. 01:27 PM

1 Governor Perry has called the Texas Legislature into 01:27 PM
 2 special session to consider Congressional redistricting.
 3 This is not a simple or casual task, and it is one that
 4 we know people have strong feelings about. We want to
 5 hear what your views are on this important topic. These 01:28 PM
 6 proceedings are being transcribed so that we can make
 7 them a part of the Legislative record and can share them
 8 with persons who are not here today.

9 As we consider this issue, we are
 10 constrained by various legal requirements that you 01:28 PM
 11 should be aware of.

12 First, any plan we adopt must comply with
 13 the federal constitutional requirement of one person,
 14 one vote. If the 32 Texas Congressional Districts are
 15 to be equal in size, they will need to have 651,619 01:28 PM
 16 persons each. We will need to draw districts that will
 17 be at or very near that size.

18 Second, the State of Texas is covered by
 19 Section 5 of the Federal Voting Rights Act. As a
 20 result, we are obligated to be sure that any changes we 01:28 PM
 21 make do not result in a retrogression in minority voting
 22 strength. In other words, any plan drawn by the
 23 Legislature may not have the purpose or effect of
 24 worsening the position of minority voters when compared
 25 to the current plan, which was drawn in 2001 by a 01:29 PM

1 federal court. 01:29 PM

2 Third, we need to be sure that any plan
3 the Legislature adopts ensures that minority voters do
4 not have less opportunity than other members of the
5 electorate to participate in the political process and 01:29 PM
6 to elect candidates of their choice.

7 Finally, we need to conform to the Supreme
8 Court's repeated direction over the past ten years that
9 redistricting not result in racial gerrymandering. In
10 particular, we need to be sure that race is not the 01:29 PM
11 predominant force in the redistricting process to the
12 subordination of traditional districting principles.

13 With that introductory statement, I would
14 like to next open up the Floor to the Members for
15 introductory statements. I've introduced myself to you. 01:29 PM
16 I want to say that we're very proud to be here in this
17 beautiful auditorium at your new law center. We know
18 how important Baylor University is to the State of
19 Texas, and we know how important Waco and Central Texas
20 and McLennan County and all the areas in here serve not 01:30 PM
21 only in our state, but in our nation. And we look
22 forward to hearing from you today about redistricting.

23 I will say one thing, it's my
24 understanding, and each of these Members have been with
25 us, we've been together, so nobody has been -- on our 01:30 PM

1 Committee has been out drawing maps. We're here today 01:30 PM
 2 to hear testimony about maps. I do not have a plan and
 3 do not intend on introducing a bill. That will have to
 4 come from other Members of the Committee or of the
 5 Senate. But what you will hear us talk about is the -- 01:30 PM
 6 if you see a map from us, it's one map, it's the current
 7 existing plan. And that's what we have before us today.
 8 We do not yet have the House Bill before us, we haven't
 9 been to Austin since it's been referred. So we're in
 10 the process of taking your testimony and hearing what 01:31 PM
 11 your concerns are with regard to the current lines and
 12 any proposed changes that you may suggest or you may
 13 want to resist, we are here to hear about.

14 With that, I will go in order of
 15 seniority. We'll give Senator Averitt a little bump. 01:31 PM
 16 Since we're in Waco, why don't you go ahead and
 17 introduce us and give us some (inaudible) --

18 OPENING STATEMENT BY SENATOR AVERITT

19 SENATOR AVERITT: Thank you very much,
 20 Mr. Chairman. 01:31 PM

21 I want to welcome the Senate Jurisprudence
 22 Committee to Waco, the home of the 43rd President of the
 23 United States, and perhaps to some of equal interest,
 24 the home of Dr. Pepper. (Group Laughter). We're glad
 25 that you're here. 01:31 PM

1 Senator Duncan, I especially appreciate 01:31 PM
2 you and the Members of the Committee for adding this
3 stop to your already aggressive agenda to come and hear
4 the concerns and the interests of the folks in Central
5 Texas because we do have unique concerns here in Central 01:32 PM
6 Texas.

7 I want to also especially recognize
8 Senator Harris. Senator Harris is recognized as
9 representing some of the neighboring counties and has an
10 unique understanding of our unique issues that we have 01:32 PM
11 in this area.

12 Central Texas, and in particular, McLennan
13 County, have some very unique issues that we need to be
14 considering when we're drawing a Congressional map.
15 You're going to hear a lot more testimony today about 01:32 PM
16 why Central Texas needs Congressional representation.

17 First of all, it is the home of the
18 President, which has spurred a unique need for
19 understanding of Homeland Security. We have a lot of
20 issues when the President comes to town. 01:32 PM

21 Lake Waco is the major source of the
22 drinking water for this region. 200,000 people depend
23 on Lake Waco for drinking water, as well as our economic
24 development and things of that nature. It's a unique
25 problem. It's the highest profile TMDL in the country. 01:33 PM

1 We are at the heart of the Interstate 35 01:33 PM
2 corridor, a highway that was built 50 years ago and is
3 in the midst of a major construction expansion project.

4 We're the home of Baylor University, one
5 of the most prestigious and largest private universities 01:33 PM
6 in the country.

7 Our area is growing quickly, yet remains
8 the core of rural Central Texas. We feature a diverse
9 economy, manufacturing, like MMRs, L3, but we're also
10 the home of the Brazos River Authority, the Texas Farm 01:33 PM
11 Bureau, the Texas Rangers.

12 McLennan County is unique. We're a
13 thriving part of Texas. We have long since enjoyed
14 Congressional representation in Central Texas. It's
15 vital to our economy. It's vital to our prosperity. 01:33 PM
16 Because our issues are unique, we believe that Central
17 Texas needs and deserves Congressional representation.

18 Members, you received a gift bag that has
19 been donated by the Waco Chamber of Commerce and has
20 things in it that represents some of the unique bits of 01:34 PM
21 our economy in Waco and we hope that you enjoy that.

22 And in closing, let me say thank you
23 especially to all the folks who came out today to
24 express your concern, your interests, and your comments
25 in this process. It's extremely important that you're 01:34 PM

1 here. This Senate Committee is here to listen to what 01:34 PM
 2 you have to say. We're not just sitting here, we're
 3 taking notes, we're paying attention, and your comments
 4 will be integral in the process of drawing a map, if
 5 that's what's decided to do. 01:34 PM

6 And let me also please ask for mercy on
 7 this Committee. (Group laughter). This Committee is
 8 weary. They've been all over the state. They came,
 9 they agreed to add one more stop to hear your concerns.
 10 I ask you to please respect the five minute deadline. 01:35 PM
 11 It's very easy to get up here and say "I'm almost
 12 through, can I just please have a few more moments to
 13 finish my testimony," and by the time that's over,
 14 you're there for seven minutes and then the next person
 15 does it, and the next person. I'm begging you to please 01:35 PM
 16 respect the five minute deadline that the Chairman has
 17 set. It's worked very well in the other parts of the
 18 state and it will expedite this because we have several
 19 hundred people here and the problem is some people can't
 20 wait until 2:30 in the morning to testify and we want to 01:35 PM
 21 hear from everybody, so if we can keep this moving
 22 expeditiously, that's going to help y'all and us
 23 accomplish this task.

24 So thank you very much for showing up and;
 25 Mr. Chairman, thank for you coming to Waco. 01:35 PM

1 CHAIRMAN SENATOR DUNCAN: Thank you, 01:35 PM
 2 Senator, and thank you -- and I really appreciate it and
 3 am really happy to get your insistence on us coming here
 4 and hearing the people, and really especially in light
 5 of the last few days, I think it's very important for us 01:36 PM
 6 to be here and so I really do thank you for your
 7 advocacy on behalf of this Committee.

8 The Chair recognizes Senator Harris.

9 SENATOR HARRIS: Mr. Chairman, I presumed
 10 you're going to go ahead and go all the way down from 01:36 PM
 11 that side.

12 CHAIRMAN SENATOR DUNCAN: No, I'm going
 13 with that seniority thing.

14 SENATOR HARRIS: Yeah. Well, you can just
 15 keep rubbing it in, Mr. Chairman. (Group Laughter). 01:36 PM

16 OPENING STATEMENT BY SENATOR HARRIS

17 SENATOR HARRIS: McLennan County, I've
 18 always felt an identity with. My family moved here when
 19 I was three years old back -- I went through the great
 20 tornado in Waco. My dad was in law school at the time 01:36 PM
 21 later and we were -- he was over in some little old
 22 building over there on campus. Later, I went to Baylor
 23 Law School and, of course, it was in a different
 24 building and I get down here today, and all I can say is
 25 the law center down here rivals anything the Taj Mahal 01:37 PM

1 has to offer. I'm flabbergasted at how beautiful this 01:37 PM
2 is.

3 From my standpoint growing up here, in
4 fact, I had a farm just up the road on Bell Road
5 (phonetic), and McLennan County has always, to me, been 01:37 PM
6 an important area to me. And for that reason, I am very
7 interested in hearing what you, the people of McLennan
8 County, your views are, and in turn, for the Committee
9 to take into consideration your statements here today.

10 I would like to -- so there's no confusion 01:37 PM
11 over it, I would like to clarify what the Chairman said
12 a minute ago. And that is, that the only map that has
13 been filed in the Texas Senate is a redistricting map
14 that is an owed uniformity to the court ordered plan.
15 More or less, the current map that is before -- that is 01:38 PM
16 before the Senate at this point is what we are currently
17 operating under in the State.

18 I also think it's important to note that
19 none of the Members of the Senate who are here have
20 drawn any plans to my knowledge. Everyone has been very 01:38 PM
21 careful not to make any plans because, to us, it's very
22 important that before we start, we first make sure that
23 we've gotten the public input where we're taking your
24 considerations into account before we remotely start
25 looking, like I say, at any kind of maps. 01:39 PM

1 I look forward to hearing from the people 01:39 PM
2 of McLennan County today and the surrounding counties.
3 And I just want to thank all of you for providing us
4 this unique structure. But I look forward to hearing
5 from all of you. 01:39 PM

6 CHAIRMAN SENATOR DUNCAN: Thank you,
7 Senator Harris.

8 Senator Royce West from Dallas.

9 SENATOR WEST: Thank you very much,
10 Chairman Duncan. 01:39 PM

11 OPENING STATEMENT BY SENATOR WEST

12 SENATOR WEST: I believe I might -- and
13 I've told some of my friends here in Waco, I have some
14 roots here in McLennan County myself. My grandfather,
15 B.G. Ashford (phonetic), used to own some property here 01:39 PM
16 last -- as I told you, a long time ago here in Waco.
17 And needless to say, my predecessor in the State Senate,
18 Eddie Reese Johnson (phonetic), is from Waco also. So I
19 have a lot of good friends in Waco. I don't think there
20 are any domino players in Waco, but that's another 01:40 PM
21 story. (Group laughter).

22 Let's -- I want to talk to you just
23 briefly about how we picked Waco. We have been
24 traveling around the State of Texas seeking input from
25 citizens throughout this State. Needless to say, the 01:40 PM

1 impetus for why we are here spending this type of money 01:40 PM
 2 is coming from Tom DeLay and, I mean, that's just pretty
 3 clear. And there's certain Congressional Districts that
 4 are being targeted, one of which is the 11th, that's
 5 occupied currently by Chet Edwards. Another one is the 01:40 PM
 6 17th, and that's Charles Stenholm.

7 We were in San Angelo sometime last week
 8 and having a hearing there. That hearing was important
 9 for the following reasons: The individuals that were
 10 present and testifying, I would say that the majority 01:41 PM
 11 were either Republican or Independent and some of which
 12 were Democrats, I think is a pretty good assessment of
 13 the individuals that were there; but a great majority of
 14 the persons that testified, probably 95% of them,
 15 indicated that they didn't vote for the party, they 01:41 PM
 16 voted for the individual, and as such, they were
 17 satisfied with the current Congressional map as related
 18 to the 17th, and they were satisfied with their current
 19 Representative, that being Charlie Stenholm.

20 Senator Duncan and I began to have 01:41 PM
 21 discussions about, you know, getting -- to make sure
 22 that we gather a good cross section of how we -- other
 23 people in the state felt, and that's when I began to
 24 mention, we ought to be looking and talking to Senator
 25 Averitt about Waco, because of Chet Edwards and because 01:42 PM

1 this is obviously a targeted area. And we want to find 01:42 PM
2 out exactly how you felt about the issue of
3 redistricting. Whether this is a partisan issue or
4 whether you are a -- let me -- let me ask this.

5 Can I get a show of hands of those of you 01:42 PM
6 who consider yourselves Independent in terms of voters,
7 would you raise your hands?

8 AUDIENCE MEMBERS: (Compl ied).

9 SENATOR WEST: All right. Would you --
10 you can put your hands down. 01:42 PM

11 AUDIENCE MEMBERS: (Compl ied).

12 SENATOR WEST: How many of you consider
13 yourselves Republicans, raise your hands?

14 AUDIENCE MEMBERS: (Compl ied).

15 SENATOR WEST: All right. How many of you 01:42 PM
16 consider yourself Democrats, raise your hands?

17 AUDIENCE MEMBERS: (Compl ied).

18 SENATOR WEST: All right. Now, we have a
19 cross section of political parties, individuals that
20 identify with political parties and also Independents 01:42 PM
21 here. It is very important that we know how you feel
22 about redistricting, whether or not we continue to labor
23 under the same map or whether or not we change the 11th
24 Congressional District, that's the purpose of us being
25 here. 01:43 PM

1 Now, last night in Dallas, we had probably 01:43 PM
 2 a thousand people to show up and probably about 800 to a
 3 thousand to actually register in some form or the other,
 4 and I guess about 150 of which actually testified, and a
 5 great majority of those individuals that testified was 01:43 PM
 6 against redistricting. They not only came from Dallas,
 7 they came from Fort Worth, they came from Northeast
 8 Texas, and also East Texas. So again, it's important
 9 that we know exactly how McLennan County and the
 10 surrounding counties that you represent feel about 01:43 PM
 11 redistricting.

12 When we began to look at the options that
 13 are available, I can tell you that we've consistently
 14 told persons that have appeared before this Committee
 15 exactly how the Senate is proceeding. That is, is that 01:44 PM
 16 you're not just talking to us, but we're going to be
 17 actually listening to you, and that our deliberation in
 18 terms of whether or not we do redistricting, offer up
 19 any maps, should be based on the transcript that's
 20 developed after the hearings are concluded, and this is 01:44 PM
 21 the last hearing. Thus, once you have had your say,
 22 public testimony on soliciting testimony as relates to
 23 what we're going to do with redistricting will be closed
 24 until such time, and correct me if I'm wrong,
 25 Mr. Chairman, that maps are offered, and at that point 01:44 PM

1 in time, public testimony will be opened back up as to 01:44 PM
 2 the various maps that we consider, if we consider any
 3 maps at all. So your testimony is very, very important.

4 How long will it take to develop a map
 5 after the transcript and the records of these 01:45 PM
 6 proceedings are developed? I don't know. And that's
 7 something that has not been decided. But it won't be
 8 until, and as Senator Harris just mentioned, until after
 9 we gather this input that a map from the Senate, at
 10 least from this Committee, I guess Senator Harris, and 01:45 PM
 11 correct me if I'm wrong, Senator Harris, will be
 12 developed and considered by this Committee. That's how
 13 important this particular task is to us and that's how
 14 serious we take our particular charge. For those of you
 15 that believe strongly that we should redistrict or 01:45 PM
 16 believe strongly that we shouldn't redistrict, we, the
 17 Senate, should not be your only point of contact by the
 18 Mayor and other elected officials, business leaders, and
 19 civic leaders, you should contact the Governor's office
 20 by e-mail, you should contact the Speaker's office, you 01:46 PM
 21 should contact the Lieutenant Governor's office to make
 22 sure that they understand exactly how you feel about
 23 this political issue.

24 Lastly, of course, it is important that
 25 this not be your last interaction with the State Senate. 01:46 PM

1 Again, as I previously stated, this is the last hearing 01:46 PM
 2 as relates to soliciting input from citizens to
 3 determine exactly what direction to go in as relates to
 4 redistricting. If there is a map that comes up,
 5 McLennan County needs to review that map and make a 01:46 PM
 6 determination as to whether or not you're satisfied with
 7 what's being done. And if it's not, then you need to be
 8 in Austin in equal force as you are here today to make
 9 sure that your voice is heard. Do not let this be your
 10 first and last or your first and last encounter with 01:46 PM
 11 this particular process. I look forward to hearing from
 12 you.

13 We stayed in Dallas until about three
 14 o'clock this morning, so if we have to stay here until
 15 about three or four o'clock this morning, we will be 01:47 PM
 16 here until the last person has had an opportunity to
 17 address this Committee and provide us the input in this
 18 process.

19 Thank you, Mr. Chairman.

20 CHAIRMAN SENATOR DUNCAN: Thank you, 01:47 PM
 21 Senator West.

22 Senator Mario Gallegos from Houston.

23 OPENING STATEMENT BY VICE CHAIRMAN SENATOR GALLEGOS

24 VICE CHAIRMAN SENATOR GALLEGOS: Thank
 25 you, Mr. Chairman. It's a pleasure to be here in Waco. 01:47 PM

1 I forgot the last time I was here. I know it was about 01:47 PM
 2 20 years ago. I know y'all had a Dairy Queen. (Group
 3 laughter). It's kind of a little bigger. And now I
 4 just want to echo what Senator Harris has said, that
 5 you've got a beautiful campus. Leticia and I went to 01:47 PM
 6 the University of Houston and this is -- this is a --
 7 you know, this is a real, real nice -- especially this
 8 law center. I think it's a little better than our law
 9 center.

10 But it is an honor and a pleasure to be 01:48 PM
 11 here. We have been all over the state. I will tell you
 12 by trade, I spent 22 years -- I'm a 22 year veteran of
 13 the Houston Fire Department, so I've been fighting fires
 14 all my life. This is just another type of fire (group
 15 laughter) that we'll be doing and fighting during this 01:48 PM
 16 process.

17 Senator West is right, we were in Dallas
 18 hearing testimony until three o'clock this morning. We
 19 had people recite poetry to us, sing to us. We had a
 20 young man sing to us with his guitar, so we don't mind 01:48 PM
 21 doing that. It might liven up the place.

22 But we're here to -- and to the State Reps
 23 that are here, Congressman Edwards -- that are here, the
 24 home State Reps. Representative Dunnam and
 25 Representative Mabry, it's a pleasure for me to be here 01:48 PM

1 and listen to what your constituents have to say. 01:49 PM

2 I would like -- I'd like to --

3 (Cell phone rang.

4 VICE CHAIRMAN SENATOR GALLEGOS: -- I

5 would like to say that for those of you who are going to 01:49 PM
6 testify, understand this is the Senate hearing, and with
7 all due respect to my -- to the House Members that are
8 here, this is not the House. And per what you've been
9 reading in the newspaper, I think most of it has been
10 from the House. So we're a different body and we're all 01:49 PM
11 eyes and ears and we're here ready to listen.

12 And -- and with that, Mr. Chairman, since
13 this is our final regional public hearing on
14 redistricting, I think now is the appropriate time to
15 ask the Committee and the Chair what the intentions for 01:49 PM
16 the work schedule of this Committee are and clarify just
17 the redistricting, and other than the meeting that we're
18 having tomorrow, do we have any other meetings set?

19 CHAIRMAN SENATOR DUNCAN: We're going to
20 work hard, Senator, and I would anticipate tomorrow the 01:50 PM
21 only planned meeting I have at this time is for tomorrow
22 and we will hear our Counsel and then if you have
23 someone you would like to propose to come in and provide
24 expert testimony, if you'll submit that to the Chair, I
25 will consider adding that to the agenda. 01:50 PM

1 VICE CHAIRMAN SENATOR GALLEGOS: And 01:50 PM

2 that's tomorrow in Austin?

3 CHAIRMAN SENATOR DUNCAN: Right.

4 VICE CHAIRMAN SENATOR GALLEGOS: Okay.

5 Mr. Chairman --

6 CHAIRMAN SENATOR DUNCAN: It won't be your
7 only opportunity for that, but if you want to take
8 advantage of that time tomorrow, I would be happy to
9 entertain it.

10 VICE CHAIRMAN SENATOR GALLEGOS: But as 01:50 PM
11 far as for regional hearings from this Committee, the
12 Senate Jurisprudence Committee is overseeing the
13 discipline of this meeting, the last regional hearing.

14 CHAIRMAN SENATOR DUNCAN: This is the last
15 regional hearing. 01:51 PM

16 VICE CHAIRMAN SENATOR GALLEGOS: And,
17 Mr. Chairman, the reason I'm asking the question is
18 because I respect the way that the -- you have conducted
19 these field hearings, and contrary to what the -- the
20 McLennan County and the surrounding areas here have read 01:51 PM
21 about in the papers, Chairman Duncan has been open in
22 the process and has allowed everybody, quote,
23 "regardless of what affiliation you are," to testify and
24 have your input heard and put on the record, and unlike
25 the House, with all due respect to my House Members that 01:51 PM

1 are here. 01:51 PM

2 And understand that I don't agree with
3 some of the way that the House hearings were conducted.
4 I think that the -- as you see here, we have a quorum.

5 We have a quorum, a full quorum, unlike some of the 01:51 PM
6 hearings in the House. And I think that's -- that's
7 really to be commended from the Chair of this Committee,
8 that we have a quorum to listen to you, a legal medium
9 to listen to your input, especially the folks in
10 McLennan County. 01:52 PM

11 And, Mr. Chairman, I think this Committee
12 should be different from the House, and it has been. It
13 really has. Sometimes the Chairman and I don't see
14 eye-to-eye on issues, but that don't mean anything. At
15 the end of the day, we shake hands and I respect him and 01:52 PM
16 he respects me, just like some of the other Members on
17 this Committee.

18 And in view of that, Mr. Chairman, I have
19 gotten calls from other Members of the Senate, and since
20 we do have a court reporter, as we've had in all the 01:52 PM
21 hearings, I am asking the Committee to have transcribed,
22 just like this hearing here, I want to hear from
23 Mrs. Jennings (phonetic) out there, Mrs. Flores
24 (phonetic) out there, but I also want my colleagues
25 sitting beside me, Senator Whitmire, who grew up a 01:53 PM

1 short -- close from here, I want him to hear and read 01:53 PM
2 your testimony and him allowed to read and -- your
3 testimony here because he has a vote, just like my
4 colleagues and the others. So what I'm asking for is at
5 the end of these hearings tomorrow, at the end of 01:53 PM
6 testimony tomorrow, that the court reporter...

7 Are we going to have a court reporter
8 tomorrow?

9 CHAIRMAN SENATOR DUNCAN: You know, I
10 hadn't thought about it since -- 01:53 PM

11 VICE CHAIRMAN SENATOR GALLEGOS: I'm not a
12 lawyer.

13 CHAIRMAN SENATOR DUNCAN: I'll -- I'll
14 consider it.

15 VICE CHAIRMAN SENATOR GALLEGOS: Okay. 01:53 PM
16 But let's just say that we will have -- that it will be
17 recorded, okay.

18 CHAIRMAN SENATOR DUNCAN: Typically when
19 we have hearings in the Capitol, we're equipped through
20 Senate Media to take testimony. The difference is, is 01:54 PM
21 that with a certified court reporter, as we have today,
22 and we -- we got Ms. Woods (sic.) especially because she
23 can turn this around I think tomorrow as a matter of
24 fact --

25 THE REPORTER: Friday. 01:54 PM

1 CHAIRMAN SENATOR DUNCAN: -- okay, and so 01:54 PM
 2 we will have -- I think we've already received some of
 3 the transcripts from some of the other hearings. That's
 4 the reason we've done that. Typically, we don't go to
 5 the substantial extra expense of doing that when we have 01:54 PM
 6 those services set up in the Senate Media at the
 7 Capitol.

8 VICE CHAIRMAN SENATOR GALLEGOS: Well, if
 9 we can have -- because chances are, this might go into
 10 the legal process into a court, if we could have a court 01:54 PM
 11 reporter tomorrow, Mr. Chairman, I'd appreciate it, but
 12 what I'm asking --

13 CHAIRMAN SENATOR DUNCAN: I will note your
 14 request and I'll give you the answer on that later.

15 VICE CHAIRMAN SENATOR GALLEGOS: What I'm 01:54 PM
 16 asking is that at the end of this Committee's business,
 17 and right now, the redistricting process is in our -- is
 18 in our lap and the eyes of Texas are really looking at
 19 McLennan County today and this Committee today, that at
 20 the end of the process of this Committee, that all 01:55 PM
 21 testimony, especially public testimony, be transcribed
 22 and our colleagues that are not here be allowed to
 23 review testimony from each and every one individual,
 24 including McLennan County and this hearing here, be
 25 given a 72 hour review -- allowed 72 hours to review 01:55 PM

1 testimony from each person that testifies here today and 01:55 PM
 2 those that have testified before the Committee in the
 3 hearings that we've had in the past. Mr. Chairman, I'd
 4 like to make that motion at the proper time, and I'm
 5 really -- since we have a quorum, I'd like to move. 01:56 PM

6 CHAIRMAN SENATOR DUNCAN: I would
 7 respectfully request that you hold off and let me look
 8 at that. I hadn't heard that yet. And we can talk
 9 about it today. 72 hours is -- I don't think there's
 10 anything in the rules that requires 72 hours, and so I 01:56 PM
 11 want to look at the rules and see if that is the
 12 appropriate motion, but then if you want to take some
 13 action like that, we can certainly discuss it today if
 14 you wish, but I'd like a little time to --

15 VICE CHAIRMAN SENATOR GALLEGOS: I'm just 01:56 PM
 16 -- what I -- I just want my colleagues that are not here
 17 to be allowed that unlike the House --

18 CHAIRMAN SENATOR DUNCAN: Well, that's --
 19 I'm trying to -- I understand that --

20 VICE CHAIRMAN SENATOR GALLEGOS: I'm 01:56 PM
 21 trying to separate us from the House.

22 CHAIRMAN SENATOR DUNCAN: I'm sensitive to
 23 that and I certainly want to do whatever I can to
 24 accommodate that need, I think, within reason. I just
 25 need to make sure that we've got these available. I 01:57 PM

TEXAS SENATE STAFF SERVICES
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SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

1

(Senator Gallegos, Senator Fraser, Representative Jones, Co-Chairs)

FRASER : Senate Redistricting Committee will come to order.

JONES : (gavel) House Redistricting Committee will come to order.

FRASER : Good afternoon, and all Members of the House, Members of the Senate, and all special guests from out of town, welcome to Abilene. I think, as all of you know, this is my adopted hometown, I was born here, my mother still lives here and this is still one of the places I, I call home, it's always good, good to come back to Abilene. Members, I hope that all of you, while you're here, are having a chance to look at this wonderful city. Abilene is a very special place, it's a community with a rich history of cattle, railroads, it was an oil town, but the yet--the best of Abilene is still yet to come. We've, have a very aggressive community of great civic leaders that have done a phenomenal job of not only attracting industry to the community but also I hope you take the time to look at the revitalization of the downtown area, the buildings that have been revitalized. We're gonna hear from Representative Hunter in a second but, Bob, we appreciate you having the luncheon for the Members today, and all of you that were in the Grace Museum, that's one of the buildings that was revitalized. But, when I say the best is yet to come, there's a new project, the next time you come to Abilene, hopefully will be underway, a new mu--transportation museum that is going in down on the corner as you came in of, of a grant that was just given by TxDOT and it's gonna be a great, kind of the focal point of flowing people into the downtown area. Again, thank you, everyone, for being here. I can't overemphasize the importance of this process we have started. This will be the beginning of a process that will cumulate (sic) next year when the Legislature goes back into Session, what--n--when we take up what is certain to be the most dominant issue of the 77th Legislature, and I can think of no better place to start this process than in Abilene, Texas, where the people out here have an abundance of common sense. I can't overembazi--emphasize the importance of the public import--input portion of the Committee. The comments we hear today and the public hearings that will have in nine other cities around the state, are essential if we're gonna carry out our mission successfully. Our aim is very simple in this Committee, although the process will be verdy--very tedious. We wanna draw state and federal political district boundaries that are fair, that are compact and contiguous, and that comply with the Federal Voting Rights Act, and, if humanly possible, to keep all communities of interest intact, and it all begins here today. I thank you for being here and I think we're gonna--to introduce Bob Hunter to give a welcome from the House side.

HUNTER : Well, thank you very much, Senator Fraser. We're delighted to have everybody here today since we have so many



TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

2

people from the Big Country and we have a lot of officials here. We have tried very hard, Mr. Chairman, to bring as much attention to this public hearing as we could so that everyone in the Big Country would have an opportunity to come, who wish to testify before this group. And we're especially pleased to have both the House and the Senate Committees on Redistricting here. I would like to take the privilege of recognizing a couple of people, if I may, Mr. Chairman. We have, of course, with us the mayor of our city, Mr. Grady Barr, and if we'd ask you to stand, Grady, we're very glad, glad you came (applause). And we have, of course, the distinguished former Senator from Texas and from Abilene, Mr. Grant Jones, Grant (applause). We had, lunch with us today, but I believe he's, he's here with us yet, a, a former Member of the House, Mr. Lanny Hall, Dr. Hall is President of Hardin-Simmons University, Dr. Hall, glad to have you here (applause). I think Dr. Hall just couldn't get enough redistricting in the past and so he's here today again to be of help to this Committee. And then I, I'm especially honored to recognize, of course, the individuals who are here, not serving on the House Committee on Redistricting, but here because of their great interest in redistricting. And we have up at the head table with us here, the individual who shares Taylor County with me, among other counties in this area of the state, Representative Jim Keffer, to my left here, from Eastland. If Mr. Keffer will hold his hand up (applause). We have also Bob Turner, Representative Bob Turman--Turner right down here, if you'll turn around and introduce yourself (applause). Bob, of course, is from Coleman, down the way. And we have also, Representative David Farabee from Wichita Falls, David (applause). Rep--Representative Ron Clark of Sherman. Ron used to be in Abilene and serve here in our city (applause). Representative Gary Walker from Plains, Texas, near Lubbock (applause). Another neighbor from Vernon, Texas, Representative Rick Hardcastle, who joined us in the House last year (applause). And another distinguished Member from the Rio Grande Valley, this is Representative Mike Wise, from Weslaco (applause). And I must tell you all that we're especially honored to have the Chairman, Representative Delwin Jones, be serving at this time from Lubbock, in this all-important meeting, as well as for the rest of this year, working in connection with redistricting. Mr. Jones, our Chairman, served, as I will point out, 1971, he served as the Chairman of Redistricting back after the re--the census was taken. Then in 1981, when he was out of the Legislature, he was the citizen advisory and consultant to Speaker Billy Clayton. And in 1991, he served as Vice-Chairman of the Committee under our Speaker Pro-Tem, Mr. Tom Uher. And of course for the last three Sessions he has served as Chairman of Redistricting. So I don't know whether anybody has brought more experience to the process than Representative Delwin Jones, our Chairman, and thank you, Mr. Chairman, for giving me this opportunity. And, oh, of course, do I have another Representative--

: (inaudible, not speaking into microphone)

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

3

HUNTER : Well, he's on our Committee.
: Oh.

HUNTER : Yeah. Thank you so much. And we especially appreciate the media for all the help they've been in getting ready for this hearing. We have media from out of, out of the city as well. Thank you.

FRASER : The, on the Senate side, I am one of the Co-Chairmans of the Senate Redistricting Committee. The other Co-Chair is Mario Gallegos, from Houston. Because this is being held in my home community, or my home--home community of my district, that Senator Gallegos allowed me today to do the introduction and to Chair this meeting. I will return the honor when we have the meeting in Houston, and then we will alternate as Co-Chair, but I'd like to recognize Senator Gallegos, and I believe he's gonna--to introduce the Senate Members, Senator Gallegos.

GALLEGOS : Thank you. Thank you, Mr. Chairman, and I also am, am glad to be here in Abilene. To the, to the mayor and all the other elected officials in, in the, the, the community of Abilene, we're, we're glad to be here. I do wanna present to you the--my colleagues on the Senate side, to my right, here right beside me is Senator Gonzalo Barrientos, from Austin, Texas, and (applause) next to him is Senator Jane Nelson, from Flower Mound (applause), and next to her is Senator Mike Jackson, from La Porte, Texas (applause), and obviously our good, dear friend, Senator Tom Haywood, from Wichita Falls (applause). And once again, we're glad to be here, Mr. Chairman.

JONES : And let me introduce Members of our House Committee. Of course, you all heard Bob Hunter, and I would say that his testimonial to my mental stability is probably well evidenced by having been involved with this process this many years, but it is a pleasure to be here. You've met Bob, and then my Vice-Chairman is Bob Glaze (applause), and we have Fred Bosse, from Houston (applause), we have David Counts, from all points West (applause), Jim Dunnam, from the Waco metroplex (applause), and our good friend, longtime House Member, Paul Moreno (applause), and Jim Pitts, our other Member (applause).

FRASER : And, and this is called an entrance by the Senators (laughter). Senate has a quorum now. We, if you realize, we've been stalling a little bit because we had a late airplane, because of fog in Dallas and Houston, both, and we were waiting on three Members of the Senate, and I will turn it back to Chairman Gallegos to introduce the three that just, that just entered.

GALLEGOS : Thank you, Mr. Chairman. Our, our three late arrivals, due to fog, is next to Senator Jane Nelson is the Honorable Senator Royce West, from Dallas, Texas (applause), and next to him is Senator Eddie Lucio, from Brownsville (applause), and next to him is Senator Steve Ogden, from College-Bryan Station (sic)--College Station (applause), A&M.

FRASER : Chairman, I think probably it would be

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

4

appropriate right now to make sure that we introduce the, the staff of both Committees. The Clerk of the Senate Redistricting Committee will be Doug Davis, that's back over here. The Assistant Committee Clerk for the Senate side will be Tara Rejino, right here by--beside me. And then our League Counsel will be Steve Foster that's right here.

JONES : And, and we have, to my immediate left, Barbara Crawford, who is my Chief of Staff for all operations. And at the extreme far end, Glen Hunt who is our Committee Clerk for the Redistrict (sic) Committee process.

FRASER : And before we start the process of entering the, the test--the start of testimony, would any Members have any comment they'd like to make, opening statements?

: (inaudible, not speaking into microphone)

FRASER : And I recognize Senator Barrientos from Austin.

BARRIENTOS : Mr. Chairman, Colleagues, Ladies and Gentlemen, first of all let me say thank you to the good citizens of this region of Abilene, Texas, for your hospitality. I would like to make a couple of statements to put into the record. You know, redistricting, while it's not the most exciting of issues is one of the most fundamental components of our democratic form of government. See, redistricting is a process by which we assert, Mr. Chairman, the democratic principles of fair and equal representation. I believe, in fact, the boundaries of electoral districts actually define our government by allowing the people to elect the candidates of their choice. Now, Members, this is my third time to go through this process as an elected official. From experience, I can tell you that redistricting can bring out the worst in the legislative process in terms of self-interest and partisanship. Our responsibility, as elected officials, US citizens, and Texans, is to make sure that does not happen. It doesn't have to be that way, and it won't be, if we remember that it is our duty and responsibility to protect the right of others to choose who will represent them, rather than give that choice to map drawers and gerrymanderers who want to use the process to further a partisan or personal agenda. Doesn't have to be that way if we follow the time-honored tradition in Texas of respecting traditional communities of interest, and respecting the voting choices of our citizens. We should continue that tradition of request and respect and make sure that the process is driven by the people of Texas, not partisan politics. Finally, that is our sworn duty, to ensure that all Texans have fair representation in their government, as required by the Voting Rights Act, by our state laws, and by our own conscious (sic). Thank you, Chairman.

FRASER : Thank you, Senator Barrientos. Any other Members like--

LUCIO : Mr. Chairman.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

5

FRASER : Senator Lucio.

LUCIO : Thank you very much, Mr. Chairman, Members, Ladies and Gentlemen. I'm very pleased to be here. I don't know which one of us traveled the furthest, I, I live in Brownsville, Texas, the southern tip of Texas, but I have met a lotta my former constituents that, that now live in this area of the state. One of the things that we finished the last millennium and--on, was the spirit of cooperation Senator Barrientos has mentioned briefly, working bipartisantly (sic) on the state's issues. I think it's incumbent upon us to continue in that tradition so that every Texan can have the full benefits of the workings of the legislative process and the Legislature of this great state. And I'm hoping that this process, which can become kind of stingie (sic), does not do so, that we can work fairly, that we can work effectively in representing not only our individual districts, areas of the state, but bring together, bring us all together with a state plan that I've been advocating for, transportation, and health care, and economic development, and other issues that are important to all of us as Texans, all of us as Americans. So my, my pledge to the Committee is to continue in that spirit of cooperation and working bipartisantly (sic) so that everyone in our great state can benefit. Thank you, Mr. Chairman.

FRASER : Thank you, Senator. Senator Gallegos.

GALLEGOS : Thank you, Mr. Chairman. Let me, for the, for the record, this public hearing is the first of many hearings that this Committee will conduct over this next year throughout the State of Texas. We'll be listening for how the people of this state want the boundaries of their Congressional and State Legislative districts drawn by the Texas Legislature in 2001, after the statistical information is received from the new federal decennial census. In 1964, the United States Supreme Court recognized the right to vote is the most fundamental of a citizen's rights. The court concluded in, in Reynolds versus Sims that as a basic constitutional standard, the constitution requires that the seats in both Houses of the State Legislature must be apportioned on a population basis. Each person is entitled to have his or her vote be of equal weight with the vote of other people, in other districts elsewhere in the state. Therefore, each person is entitled to reside in the Congressional and State Legislative district that is approximately equal in population with every other such district in the state, according to the data from the federal decennial census. The existing Congressional and State Legislative districts in Texas were drawn early in the 1990s on the basis of st--st--statistical data from the 1990 census. We know that the 2000 census will show that these districts are no longer equal in population, that the boundaries of these districts must be withdrawn--redrawn. The task of redrawing these district boundaries will be more challenging for the Legislature this time than ever before, because of certain new legal precedence, recently established by the Supreme Court and because of increased diversity among the people and the interest of this state.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

11

magic to putting that on. It is, we'll, we'll rephrase that. There, it is a special date (laughter) for, for those that celebrate the date, and the State of Texas, but I, how am I gonna get out of this one, (Gallegos) (laughter).

BARRIENTOS : Just be advised, that's all (laughter). We'll work through this, no big thing, I just wanted to make sure that it's recognized as such, okay?

: Okay.
BARRIENTOS : Let's go.
: Okay.

FRASER : And, and y'all be advised that when I was a House Member, it was a lot easier (laughter).

: Lucky.
FRASER : Any other questions from the Senate side on the, the dates?

JONES : I, let's check with our House Members. Do we have anybody have a question on this date or--

: One thing we might point out is July the 15th is (inaudible, not speaking into microphone) Conference of State Legislators (inaudible, overlapping background conversations).

: Alright, but I can't believe (inaudible, overlapping conversation).

JONES : A conference that involves a number of the House Members.

: (inaudible, not speaking into the microphone)

JONES : You said--

FRASER : (inaudible, background conversations) How did we miss that one?

: Don't say it again.

: (laughter and inaudible background conversations)

GLAZE : Mr. Chairman.

FRASER : Representative Glaze.

GLAZE : Are we open for discussion on locations at this time?

: Yes.

FRASER : Yes.

GLAZE : I wanna submit Tyler for the East Texas meeting on August 4th.

: Okay.

JONES : We have Tyler submitted as a suggestion for the August 4th meeting. And that location to be determined?

GLAZE : Yes.

: (inaudible, overlapping conversation)

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

12

JONES : Shall we, I think this was one of the reasons, for you in the audience so you can understand why it looks like we're wasting a lot of time possibly, we're trying to work out something that applies for the whole year and prior to the next Session of the Legislature. But, Chairman Glaze, I think that that's one of the reasons we left this open, that the Chairs would make some decisions, so that we can decide those things and not try to decide everything today, because there may be circumstances we're not aware of.

FRASER : And from the Senate side, Tyler has been recommended. I, I think that's probably a good location. Does anyone have any feelings on--

BARRIENTOS : Where's that (laughter)?
Close to A&M.

LUCIO : It's just north a Harlingen.

LUCIO : I was gonna recommend South Padre.
Whoa.

FRASER : Aye (laughter).

FRASER : Do we wanna go ahead and write in Tyler?
Yeah.

JONES : Tyler's acceptable. Do we have any ob--any objection to Tyler on the House side? It sounds alright to me.

: There's no objection to Tyler but I would point out that that's also the first day of Southern Legislative Conference in Biloxi, so to the extent that Tyler's on the way to Biloxi for most of you, it'll probably work out.

FRASER : And I, I think the, the, the two dates that we look like we have a problem with, July 15th and September 16th, the Chairs do, on agreement of both sides, we can change this but we, we, we need, one of the reasons we're talking about this today is that we need to try to firm up as much as possible, so that the affected groups, we can advise them of when we're--a tentative schedule, and if we have to change a couple, I think we're, we're flexible to do that later. Any other questions about the, the schedule, with the assumption that those two may be a problem, and also the recommendation that East Texas, Tyler would be recommended? Is there any objection on the Senate side?

: No.

JONES : Are we clear on the House side? All clear.

: We're gonna put the SLC date as a questionable date as well, right?

JONES : Yeah. That's (inaudible).

: That's August the 5th or 4th.

JONES : What we'll be doing, review all of those potential conflicts and we'll work around 'em.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

13

GALLEGOS : (background conversations)
GALLEGOS : Mr. Chairman.
GALLEGOS : (gavel)
FRASER : Senator Gallegos.
GALLEGOS : Subject to review, and subject to there might be some changes, I, I move to go ahead adopt the hearing schedule.
FRASER : We have a motion to adopt the hearing schedule, subject to review. Any objection? (gavel) Schedule's adopted.
JONES : And on the House side, we have the same motion. Is there any objection to adopting this tentative schedule with the reservation Chairs can change dates, location as needed? Chair hears none, so it is (gavel) adopted.
FRASER : Well, hopefully, we have dispensed for housekeeping, and I guess we apologize a little bit because this is our first hearing, there's certain things that we have to get established and, for th--for the ground rules that the Committee will operate under. At this time we have the Legislative Council. Senator Barrientos.
BARRIENTOS : Chairman, insofar as the House has a standing Committee and this Committee has recently been selected, I wonder if it would not be too much trouble to have staff put out a few basics, like for example, what is the budget of the Senate Committee. What is the staff, who hires staff? Just some ba--very basic things like that.
FRASER : That, that would not be a problem and the staff is so advised, and they will, do, do you wanna discuss that now or just want a, a memo from staff of what--
BARRIENTOS : Either way, just as long as we keep the, the process going, I will wait for the official memo.
FRASER : Okay, thank you.
BARRIENTOS : I just wanted to cite that we hadn't gotten 'em.
FRASER : We're ready to get into our, the Legislative Council introduction. At this time, the Chair would call David Hanna, Alan Ware and Kelly Hosak, of the Legislative Council, for an overview of redistricting.
HANNA : Good afternoon, here we go again. My name is David Hanna, I'm attorney with the Legislative Council. I started working at the Leg. Council on March 1st, 1990 and started doing redistricting immediately and pretty much haven't stopped for the last ten years. We still have one or two more housekeeping things I wanted to bring up. The legal staff of the Legislative Council is gonna make a presentation to the Committees, each one of these hearings, and I'm, I'm gonna try to do a different topic each time and keep them pretty short so we can hear as much testimony as possible. Occasionally, I'm thinking about trying to arrange guest speakers when, when we can get 'em. Think we're, we're working on getting some people from the

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

14

Census Bureau to speak to us in Houston. Even though we have a topic for each of these hearings, I certainly will field questions on any topic that y'all have and, and you could contact legal staff outside hearings too, as well, at the 463-1155 number. We have, we have four attorneys working on redistricting. I'm doing it full-time. Some of you remember Jeff Archer who headed it up last time, he's doing it full-time, and we have two, two newer attorneys doing, doing it, one of which is here today, Jerry Haddican, and then we have another attorney, Shana Judge that's working on this too. And I expect, during the middle of the Session, all of us will be very busy on it, but, welcome your questions at any times. And also, I've only got so many topics, I'm not sure I have ten topics and I think we have ten hearings, so I welcome suggestions on any topics in the future when I run out of stuff to say. Let me mention to the, to the people in the audience, if you, if you wanna testify today, you need to fill out the, the witness affirmation form. And when you get done filling it out, if you could hand it to Glen Hunt there in the corner, and that way we'll get your name and get y'all in order. Need, need to sign this out though. One more housekeeping matter, I, I call this the Miranda warning here. Some of you may have heard, there, there are sometimes lawsuits involved in redistricting. And so, since that's kind of the backdrop which we operate under, I just thought a little, a little caution would be advice. Since you all, Members of the Legislators (sic) are, are the people who will draw the plan, the statements that you make about redistricting are, are evidence in a lawsuit. So, just, if you run through your, your Miranda warnings, you, you, you, you don't have to say anything, if you, if you do say something about redistricting, just keep in mind that it will be used in court against the plan if it possibly can, and that for maximum protection, your protection, talk to an attorney. I mean, we, we think the attorney-client privilege is the strongest one we have. We also know that there are some legislative privileges, especially with your staff. We're not sure that a federal court would recognize those or not, we hope they would, but the best way to do it is through an attorney. M--more of my Miranda warnings here. This comes from a Supreme Court cases (sic), appearances do matter in redistricting, not just on the shapes of the districts but in, in the appearance of the whole process. Again, that's something that's, can come up in court, and sort of loose lips sink ships, idle conversations among Me--Members make it into the courthouse. So, with that underway, we'll go on to our topics for today. Why isn't it switching? Here's a little timetable we've put together on the, the redistricting schedule. Not, not every date is in here but these are pretty much the highlight ones. April 1st, 2000 is the census day. This is the day that the population is theoretically being counted. And, and the first results we'll see out of that will come at the end of this year, when we'll find out how many Congressional des--districts each state gets. That, that district count is based on an actual enumeration, and each state will gain or lose. We're forecast to gain two seats this time, I think that's pretty firm. Certainly, things could

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

15

happen, but it looks like we're gonna get two new Congressional seats. New Legislature starts January 9th. The census data is suppose to be to us by April 1st. There's the p--the chance that that will come a little earlier. Because of all the wrangling going on with the census, there, they seem to be running later than they were ten years ago. I think we, what, did we get 'em in February, ten years ago, Al? Did we--

WARE : Uh-huh, in February.

HANNA : --yeah. Okay, the screen's blank. (verbiage lost due to changing of the tape)

END OF SIDE 1

SIDE 2

HANNA : --ture is scheduled to adjourn on May 28th, 2001. There are right now, in place in both the House and the Senate, some rules deadlines to move along legislation. I think it's, both Committees oughta think about whether those will be appropriate for the redistricting bills, because we're already op--operating under a tight schedule. Do we have it back, no? You know, if we get, if we don't get the numbers till April 1, then I think some of the rules start to kick in in the House in what, mid-May, early May. That's not very much time at all, and so it might be something that we consider, you know, whether th--those rules need to be changed just for those redistricting bills. Because if we, if the House and Senate don't adopt redistricting bills, jurisdiction turns over to the LRB, and they have until almost November 1st to adopt a plan.

: What's a--

: Tell us what the LRB is.

HANNA : LRB, which I was gonna save for a future hearing, but I'll, I'll go ahead and go into that briefly, is a, is a backup body that will draw the plan in the event that the House and Senate don't adopt plans, or the Governor vetoes the House and Senate plans. They have a, a limited jurisdiction. They have, I think, 60 days to meet from the end of the Session and then 90 days to adopt a plan after that. It's composed of the Speaker and Lieutenant Governor, Land Commissioner, don't we have handouts.

: Comptroller and the AG.

HANNA : Comptroller and AG. I'm sorry, I'm off of my script now (laughter).

: Copies of your slides.

HANNA : Okay, if you're looking at your copies of your slides, we're in the redistricting timetable and it says 2002, 2003. Apologize to the audience, I, I don't have enough copies to go around, and guess we didn't--
Page 4 is that?

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

16

: Page (6).

HANNA : Anyway, somehow we have, by January 2nd, 2002, we have our filing deadlines for the House, Senate, and Congressional lines. Somehow, all this redistricting has to get done by then. I'm not sure how we get there yet. Obviously a court could postpone that deadline, but this is starting to mess with our primary if we, if we, if we go beyond January 2nd. So somehow we have to get through all the courts, get through the Justice Department, get through every--all the hoops by January 2nd, 2002, in order to make our primary schedule. March 12th, 2002, primary election day, obviously this is subject to change in the, in the, in the 2001 Session if, if folks wanna change these deadlines. And general election day November 5th, 2002. New Legislature, January 14th, 2003. Next, next we have a--we're gonna talk about, there's a couple of provisions in the Texas Constitution relating to House and Senate districts. I'll take up the Senate ones first. You find the Senate provisions in Article III, Section 25, and essentially you can derive four things from this. There's one Senator per, per district, it's what we call single member district. Senate districts have to be composed of contiguous territory. There's a provision in there that says no county is entitled to more than one Senator. To the extent that this is a problem with one person, one vote, it is not valid anymore. Under that theory, you know, Harris County with 3 million people would, would be entitled to one Senator, and that would be a, a big problem with one person, one vote issues, so, it's still in the Constitution, we don't think that, that it's valid to that extent anymore. Also, the Senate districts are suppose to be drawn by something called qualified electors. Q--qualified electors means essentially people eligible to register to vote. Well, if any of you are aware of a list of those people, you know, that'd, that'd be a good start, we don't have one. I don't know how you would compile it, you know, it's essentially people who could register to vote. You'd have to take out all sorts of categories. And there's a potential problem there with the Voting Rights Act that may have a disparate effect on minority voting groups too, and so typically, in the past, the Senate has not used qualified electors but used total population. Oh, oh, back, we're back (inaudible), good.

: (inaudible, not speaking into microphone)

HANNA : So, so in the past the, I guess we haven't missed too much then. In the past, we've just used total population for Senate districts. The on--there is one other provision in, in the Constitution relating to the Senate and it's Article III, Section 3, and this provides for the (impemous) (sic) staggering of Senate terms following an apportionment, which we went through several times last, last decade. Now over on the House side, we have what seems to be an easy little rule, but it gets to be more complicated. It's Article III, Section 26, what you do in the House is you apportion the House districts among the counties according to the census, as nearly and as may be and that you have to use whole counties in creating House districts. Well,

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

17

number two is what we know as the county line rule. And so what I have done is kind of spelled out how the county line rule works a little bit, it's a little how to manual here. When you're drawing the House side, you figure out what your ideal district size is, which is population of the state divided by 150, and then you go and look at your cavi--counties and y--they, they fall into one of these three ca--categories. And say you get counties with less than 95 percent of the ideal population. Counties with 95 to 105 percent. Counties with more than 105 percent. So you have these, these three categories. Now, here comes the, the magic part. You, you'll, the apportionment actually happens in the Category B and C counties, and these are the ones that are big enough to have one or more members each. And the Category B counties are the ones that are entitled to exactly one Member. We didn't have any of those in 1990, and I think we have at least two of those on track for, for 2000, depending on how the numbers come out, and one of them is Taylor County here, another one is Wichita County. The Category C counties are the ones that are entitled to more than one and this could go all the way up to Harris County which has 25 right now. So it's anywhere from, from one and a piece, to all the way up to 25. After you do this apportionment, and then this involves all th--the, the metropolitan counties, you know, figuring out how many seats they're all entitled to and awarding them to those counties, you figure out how, you assemble your rural parts of the state into districts by putting contiguous counties together. And on Category A are the ones that are too small to get their own. So we just sort of assembled those altogether, it's like a big jigsaw puzzle, and sometimes all the pieces don't fit the way they're suppose to and we end up having a hard time doing this. The whole point of this is to preserve the county integrity, and so in the House side we can't cut a county line unless one of these two things occurs. One is that the county is too big for one, or a whole number of districts, there's a surplus piece of the county. Taylor County, right now, is in that situation. You have a, a district entirely within Taylor County, and then you had some surplus that was, was joined to the other counties. The other situation that occurs much less rarely is when we get into a jam where the county populations don't add up right under the one person, one vote rule, and we have to split a county because there's no combinations that come in the right range we need. In the, in the 1991 House plan there were only two counties like this and they were Cooke and Rusk. And the last thing on the county line rule is, and I put this up as much to remind myself as anyone else, there's only 150 districts. I worked on several plans last time where we came up with 151 districts, which wasn't very helpful, and that all, all the parts of the state have to be in some of those districts, and of course that's true on the Senate side too, I mean everybody hav--all the counties have to go somewhere and they can only go one place, so everybody, you know, everybody's district affects everybody else's district, I guess is what I'm trying to say, that all your neighbors districts affects your districts as well, kind of an interlocking puzzle. Oh, the House, there used

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

18

to be a House provision, sort of similar to the county provision, to the Senate provision, I'm sorry, that, that limited the number of districts you could give a county. In the great '99 cleanup amendment, we got rid of that, again that (he) had huge problems with one person, one vote, and hasn't been valid for some time. That's the, that's the end of presentation I have today. I'll be happy to answer any questions now, or anytime in the future, I'll be here for the rest of the hearing and certainly willing to answer any questions that y'all have on, on legal issues on any topic, today's or, or whatever.

FRASER : Members, before we go on to the second part of the presentation, any questions of David Hanna.

WEST : Mr. Chairman.

FRASER : Senator West.

WEST : David, in terms of case law, I assume that we'll be getting a brief on the current case law that will provide a guide for us.

HANNA : Ab--absolutely, I'll be--

WEST : How soon can we get that?

HANNA : --the, the book version of that is probably still six months away. I, we came out with a book ten years ago, it was a comprehensive book, book called State and Federal Law Governing Redistricting. Working on updating now. I'm thinking it's probably gonna be around Labor Day before I can get that project finished.

WEST : Well, in, in terms of guidance, as we take testimony.

HANNA : And, and, and my intent is, to each one of these hearings, come up with a topic such as the Voting Rights Act or preclearance.

WEST : Okay. I, I tell you what I'd like to get--

HANNA : Okay.

WEST : --before the next hearing, and I, and I understand that you still have to do some things. What I'd like to get is some sort of briefing on the current case law (inaudible, overlapping conversation).

HANNA : An or--an oral briefing or--

WEST : Well--

HANNA : --or--

WEST : --a brief, a--about two, two or three pages, no more--

HANNA : Okay.

WEST : --on the current case law in this particular area.

HANNA : Sure will.

WEST : Federal and state case law.

HANNA : Okay.

WEST : Okay. Fifth Circuit, for sure.

HANNA : Don't--we don't get much Fifth Circuit stuff.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

19

A lot of these cases go right up in the Fifth Circuit--

WEST : That's right.

HANNA : --doesn't, doesn't--

WEST : You're right, you're right.

HANNA : --there's a couple of 'em but by and large, it's
not the same as the regular.

WEST : Right, exactly.

JONES : Any questions on the House side? Thank you,
David.

HANNA : And let me, let me introduce Alan Ware, who's
a--what's your title (laughter)?

: (inaudible, not speaking into microphone)

: (I was) (inaudible).

WEST : Okay.

FRASER : And for the record, please, Alan, introduce
yourself.

WARE : Sure, I'm Alan Ware, I'm the Pr--Redistricting
Program director for Legislative Council. And I did some slides also and we'll
have a race to see if it stays on through the whole presentation, so I'll go even
faster than I intended. I plan on talking about three areas today. The
redistricting publications that the Council has either already produced or will
produce over the next few months. The computer applications, the Legislature's
preparing for, the Council's preparing for the Legislature, and then talk about
some population trends for the state, and I actually then get into some--a little
bit about the 31 counties that are in the Abilene hearing region. The Council's
planning on four publications, the first of which was released July, last year,
that was the Projected Population Changes in Texas Districts 1990 to 2000.
That publication was based off of some Census Bureau projections that have
since been replaced, there's newer and better estimates out, so I won't go into
that a whole lotta detail. In February, or February 2nd, I think, they, we
distributed the Guide to 2001 Redistricting which was a, a good primer for
Legislators and staff to see what the, the main issues of, are, are f--about
redistricting. Has a glossary of terms, a chroneological (sic) history of the 1990s
redistricting and just a real basic overview. The publication David was
referring to a minute ago, The State and Federal Law Governing Redistricting
in Texas, that's somethin' Legal Division will be doing in the coming months.
And then finally The Redistricting Data Documentation details the data, the,
the Council's pr--is collecting and computerizing for the, the task and there's a
lot of very technical information in that publication. The computer applications,
to kinda break those into four areas, RedAppl 2001, it will be similar to the
1990's version of RedAppl, for those of you were here. RedAppl is an application
that lets you go in and lasso counties, voting, d-- districts or precincts, census
blocks, census tracts, block groups, a number of different units to, to build

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

20

districts. As you build those districts it tabulates a, a number of ar--different variables, including population information, racial breakdowns from census numbers, election results, that kind of information, voter registration turnout. That application is actually being developed by Council's programing staffer, as we speak. There is a, a Beta test version that went out to a few Members' staffs in November. We'll take feedback from that and then roll that out to all the offices in September of 2000. The unfortunate thing is that there's not really any good population data to use, at that point, so we'll have some practice data in there. It'll also be using 1990 census geography, so because of that, any plans that are made off of that really will be gone, I mean, you can't really transfer it over to the, to the 2000 census geography. But, like I said, that application will be available in all the Members' offices. They can also come over to Council offices and use our computers, if you'd rather not go through the training process, or just want, find that easier to do that. RedViewer is a Internet based application that just lets you view, view redistricting information, you can't build districts, all you can do is just look at Maps and Reports. The Legislators will be able to do that from, or anyone can do it from anywhere, any PC that's connected to the Internet, actually, so the public can follow the process, the, the Legislators will be able to look at, you know, their own plans in, in addition to public plans. Look at Maps and Reports, it'll be a very convenient tool, I think, for everyone to, to be able to see the boundaries of the districts. TARGET is a, a dif--new and different application the Leg--the Council's kind of been developing. What it'll allow you to do is, instead of going through and hand-drawing districts, you'll be able to set up parameters of what you think districts should look like, and the computer will go out and try to build districts to match those parameters. It's meant as a tool to kinda get you started. It won't draw the perfect plan. I mean, it, it's, it's not a turnkey solution, all it does is just takes your parameters and tries to build a district that matches those parameters. And then that's, the plan will be able to be transferred right into RedAppl so you can go and clean it up, or look at it, or throw it away, whatever you wanna do, but it'll just generate plans real quickly for you, rather than doing the very labor intensive drawing. Finally, Maps and Reports, that's 1991, '92, '93, that was a real bottleneck for the Council to be able to provide that information. We hope to greatly improve that. Reports will be sent to you electronically, you'll be able to print some maps in your offices, in addition to the reports. So that's kind of a summary of the computer applications. Talk a little bit about the population growth. All the estimates you'll see today are based on the most recent Texas State Data Center estimates, and they're an affiliate of the Census Bureau. During the '90s they, they expected the state to, Texas to grow by about 20 percent. That's a increase from about 17 million to over 20 million people, (that's) quite a substantial growth. No real surprise, the uniform has not, the growth has not been uniform throughout the state. The fastest growing areas are the suburban counties around Dallas, Fort Worth,

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

21

around Harris County, around Travis County, around Bexar County, the I-35 corridor's seen substantial growth, as well as the counties in South Texas. What we have here is a list of the--actually the fastest growing counties in the state in percentage term. Collin County, according to the most recent estimates, is the fastest growing in, in the state at almost 76 percent increase from 1990, an addition of over 200,000 pop--of people, followed by Williamson and Rockwall, Montgomery, Kendall, Fort Bend, Bandera. Uh-oh. Help. I pressed the wrong button. Okay. And we got a few cut off and I apologize for that. In, in terms of just actually, actually, just the number of people, Harris County's the fastest growing, added about 470,000 people. And on the right side you'll see that that's 16.6 percent. You know it's a lot of growth but it's not keeping up with the state rate of 20 percent, so where some people, you think it's, it's growing real fast, it's actually not keeping up with the rest of the state and so on a relative term, it's actually losing with everybody else. Followed by Dallas at 13 percent, that's the urban county that's really lagging the most. Tarrant County's almost, with the state rate. Bexar County's not too far behind. And then you get down to some of these fast growing counties, Collin, Hidalgo, Travis, Denton, Fort Bend, I think Williamson's down below that. This is a map showing the change in population. The dark orange counties are actually losing population, according to the most recent projections. There's a number of counties, number of counties that are actually, you know, near Abilene, between Lubbock and Amarillo, out towards El Paso. The ones in the medium orange are growing, I forget what the rates are but I think up to 15 percent. The yellow counties are growing around 20 percent, like 15 to 25. The green are growing faster and there's a couple of dark, dark green that are actually growing much, much faster than the state rate. I apologize to Senator Lucio, we've kind of lost South Texas. We'll get it back soon. (laughter)

LUCIO : (inaudible, not speaking into microphone) why, why did you leave South Texas out.

WARE : Well (laughter), it's a technical problem that I, I can guarantee we'll have it fixed next time.

LUCIO : (inaudible) talk to Dean Truan about it (laughter).

: Oh no, not Truan.

WARE : So where does that lead us to, will that lead us to the district numbers. (In) 1990 House districts were about 113,000 people on average. The 2000 projected ideal, according to the most recent estimates, is 135,653, so let's say 135, 136,000. Senate districts come in at, went from 550,000 up to over 650,000. And Congressional went from 566 to about 635,000. Interesting note is, because we do anticipate getting two, two new Congressional districts, our State Senate districts will, for the first time, actually have more population in 'em than the Congressional districts. I know there's a lot of interest in the undercount. We'll probably have more discussion

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

22

on this when we have Census Bureau people in town, but we have done a little bit of analysis of the 1990 undercount, so I thought I'd share it with the Committee at this time. The, all the, the total population, the PL-94-171, that's the official 1990 census, so the official total for 1990 was 16906510, a number I'll never forget. The adjusted total is almost 17 ½ million, so the Census Bureau's acknowledged that they missed almost 500,000 people in Texas in 1990, in, in 1990 census. You'll see that that's 2.86 percent of the population, quite a, quite a bit of people were missed. You know, it's, it's bad enough that there was an undercount. What the real problem is, is that there's a differential undercount, meaning that different groups of people are, were missed in different, at different rates. The Hispanic population was undercounted at 5.7 percent, the Black population at 4.1 percent, and the Anglo population is, actually only missed at 1.4 percent.

FRASER : This is, this is an estimate?

WARE : That is from the 1990 census that the, the census was required in 1990 to do a statistical sample that was then up to the director of the Census whether or not they are gonna release it. They released the official census, we got ours around February and then the, I forget, the adjustment proposal, then the director was given until July 15th that summer to make a decision. They did not release it. In subsequent court battles, or court cases, the, that in--forma--those numbers were presented and came out in, in testimony or in disclosure or whatever, so it was never officially removed--released but it, it, you know, people have access to it, and bureaus will testify, I mean they have information on exactly those numbers, so, it's, it's not in the, is, what their plans were for an adjustment for 1990, the, the Bureau director said they did not release.

GALLEGOS : Mr. Chairman.

FRASER : Senator Gallegos.

GALLEGOS : (These), on the undercounts, do you have those broken down by Senate and the House?

WARE : One more slide.

GALLEGOS : Okay, excuse me, I'm sorry.

WARE : No, no, that's fine.

GALLEGOS : Spoke too soon.

WARE : No, no, you, you're on track, we're thinkin' alike. Here's the undercount rates by county, similar colors but the colors mean different things. The dark orange has a real low undercount. The light orange has, let's see, the dark orange is less than 1 percent undercount. The medium orange or brown is a--

GALLEGOS : I'm sorry, I don't see the orange (inaudible, not speaking into microphone).

WARE : Well, it's orange on the printouts but, it, up there, it's not orange (laughter). I'm just an Aggie, you know, I don't like orange

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

23

either. (laughter) The, the light brown is 1 to 2 percent undercount. The yellow is the 2 to 3 percent undercount. There's suppose to be some light green at 3 to 4 and then dark green at greater than 4. So, you see the, one of the patterns is the, the, the urban counties, you can see Harris, Dallas, Harris, Tarrant, they, they are, you know, a little bit higher than, I think they're in the 3 to 4 range, it's a little bit hard on that map, but, and then the, along the Rio Grande Valley and the South Texas, you see the places where you actually get up to the high undercount. Undercount in selected districts. These are the districts that actually had the highest undercount, you know, from 1990. Number one, Senator Gallegos' district at 5.2 percent undercount. Followed by Senator Shapleigh, Van de Putte, West, and Lucio. Did I have some House districts? Representative Moreno, y'all can see all the ones, far right column is, is the actual number. All those, you know, in the 4 to 5 percent range. Senator Gallegos actually had 28,000 people that were missed. These are the districts with the lowest undercount, Senator Bernsen, Nixon, Haywood, Ratliff, Sibley, and then Representatives Lewis, Hardcastle, Ritter, Clark, and we lost one, I don't remember who it was. We do have a comprehensive list of all the districts, if, if anyone would like it, we can give you. Talk a little bit about the Abilene region. I don't wanna say it's bad news but th--th--there's a 31-county region that basically goes from the area around Abilene, all the way up to Wichita Falls. Overall, that region has added 37,000 people, which is 6.4 percent growth, which, you know, is, is a lot of growth, it's great, except for the rest of the state's growing at 20 percent.

: (inaudible, not speaking into microphone)

WEST : Mr. Chairman. Just a question, Alan. B--b--before we get into the Abilene region, let me just ask a question for my own information. I know the issue concerning the reliability of the data that we're gonna be using is always important, Alan. How do we, when we get ready to make statements like dealing with the Abilene region, I assume that you're getting these numbers from the census, is that correct?

WARE : The--these--all these numbers came from the Texas State Data Center, these are county estimates from 9--they're 1998 estimates, then, then we've, project, or extrapolated forward to 2000.

WEST : Where are we getting the information from though?

: Counties.

WEST : Are the counties reporting this information, or exactly how's this information being assimilated?

WARE : There's a number of sources that the State Data Center uses. They track births and deaths from county records, they look at migration. I don't have detailed information but I can, I can provide that to you, exactly where those are but that's, all these numbers are, are, like I--there're 31 counties, they're county estimates, they're nothing that the C

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

24

added as far as subcounty--

WEST : (laughter)
: Well, I just wanna make sure whatever
information that we're using is the best information that we have and, and, and
I'd--

WARE : I--

WEST : --like to know what the source--

WARE : Yes, Sir.

WEST : --of that information--

WARE : Cer--

WEST : --and also the reliability of it, not only from
Leg. Council's viewpoint, but also from experts' stand--standpoint in terms of
the validity and reliability of the information that we're gonna be using to make
decisions.

WARE : Certainly. I, yeah, see the Bureau has, the
State Data Center will say that, you know, making projections is difficult,
especially about the future.

WEST : This, this is not based on voter registration, is
it?

WARE : No, Sir, no part.

WEST : Okay.

WARE : These are just county numbers straight from
the State Data Center.

WEST : Okay. Alright.

WARE : Projected forward to 2000, there's no voter
registration or any kind of estimates like that in this. See, so you know, 6.4
percent compared to the state of 20 percent. There's actually eight counties pr--
that are projected to have lost population in--of the 31 counties. Really, there's
not any counties that grew near the state rate. A couple more items, the net
effect is the loss of, of, of rou--roughly one-half of a House district and one-tenth
of a Senate district, and for that matter, Congressional district also. You know,
it's hard to say that, you know, yet, nothing's in a vacuum, you have to consider
all the area outside of the region area, but as--on, just looking at that, you,
you've gotta look at the ripple effect, everything else, but that's the--hasn't kept
up to degree of about one-half of a House district and one-tenth of a Senate
district. And this is, gonna be where--depends on where the population
numbers actually come out but the two lar--gest counties look like they li--may
become whole county House districts. Taylor County's projected to be 129,000,
which is a 8 percent growth, and Wichita is 131,000. Go back to the ideal of
135, 136,000, it's slightly below the ideal. And this is the map that didn't come
out real well so, that's all I have. If--I'll take questions now or, of course, will
be available, you know, whenever y'all need us.

NELSON : Mr. Chairman.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

25

FRASER : Turn the lights back up, please. Senator Nelson.

NELSON : I have a question regarding the computer applications that you discussed. I was looking through the materials that we received in advance, and I'm not sure, I don't want a long, detailed explanation, but can you briefly tell us the difference between the data base system that was described as TARGET and then the RedAppl, I mean what, what are the differences?

WARE : Sure, RedAppl is, I can--

NELSON : I know what RedAppl is, yes.

WARE : Okay, s--RedAppl, you go into lasso areas.

NELSON : Right.

WARE : TARGET would be, say you wanted to make districts, say House districts in Dallas County. So, you know, you've got that 15 districts in Dallas County. You go out there and say I've got these 15 districts, I'd like for districts 99 through, 99 to, to look like this, meaning this much population and any other variable you wanna put on there, you can put, I want it to this compact, I want it to have this much Black population, this much Hispanic, this much Democratic voters, this much turnout, whatever it is, the variable you want it to build, and you put a profile (of) all the districts--

NELSON : Uh-huh.

WARE : --and then you tell the computer, go try to find a match for that. If there's a solution to match that, go try to build it. And it'll run, whereas it would take, you know, hands on, you know, lots of hours, it'll go run overnight and come back and give you several proposals, none of which it would, it, it's got a random element into it, but it's, it'll, it'll probably give you similar solutions but none of 'em will actually be identical. So it's not, it doesn't come back and say this is the best one for this, it's just saying if that's what you're trying to do, then this is a solution or, you know, something down that road.

NELSON : And that--

WARE : Then you could take that and load it into RedAppl--

NELSON : Okay, that was my question--

WARE : Yes, Ma'am.

NELSON : --that can be superimposed (inaudible).

WARE : And you can, you know, say there's an area you want to make sure doesn't ever leave district, District 9.

NELSON : Uh-huh.

WARE : I've got a place I wa--these ten precincts can't leave District 9. You could lock (em) District 9.

NELSON : Huh.

WARE : It, it's real useful if you just wanna

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

26

hypothesize, I--

NELSON : And, and, and each of the Members of the Legislature will have access to that TARGET Program in our offices?

WARE : Well, mostly. I mean, we haven't figured out exactly the best way to do it, but because of there's a lot of parameters you need to set up, a lot of assigning counties to certain districts and say, say a, a county loses a House district, to, to pull out, I, I hate to do this, but take out, say Williamson County had eight districts before--

NELSON : Uh-huh.

WARE : --and it's only gonna have seven. So to, to pull out District 6 and put it up in the Panhandle, it's, it's kind of complicated, anyway, so what'll likely happen is the Council will have staff that will be able to sit down with you, set up the parameters, give you the scenario, then you can go run it on your computers how many times you want, look at 'em, load 'em and then route, route 'em, we're not involved anymore. But it's something that's, been to a few conferences, there's a, a few different groups that are doing something similar to this.

NELSON : Uh-huh.

WARE : We've actually, you're getting the whole program reviewed by a professor of Harvard right now--

NELSON : Huh.

WARE : --and it's, it's kind of new, but it's, I think it (will be) a great tool to kind of get you started.

NELSON : I'll be anxious to seeing (inaudible, overlapping conversation).

WARE : Anyway, so then you'll be able to just load that right into RedAppl and hopefully we'll be able to incorporate that and, I mean, we can give, you know, a demo to you, yourself, whatever you'd like, at some point in, in the spring.

NELSON : Good.

WARE : But it's not meant to be as the line drawer by any means.

NELSON : Right, right. So, it's--

WARE : It's just two of the leg--

NELSON : --not quite as scientific as RedAppl but--

WARE : It just lets you, if you have an idea, it let's you go, rather than staying up all night and, you know, working till your eyes are just killing you--

NELSON : Uh.

WARE : --which is what we did in '90.

NELSON : I know. (inaudible).

WARE : It just lets you turn it on, walk away, come back the next morning you look at five plans and say, well, maybe it wasn't a

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

27

great idea.

NELSON : Uh-huh.
WARE : Maybe, anyway.
NELSON : Great, thank you.
WARE : You're welcome. (Feel like I)--
WEST : Mr., Mr.--
FRASER : Other questions?
WEST : --just--
FRASER : Senator West.
WEST : In terms of the use of the RedAppl, will we

have access to software, for the packages, not only in our Capitol offices but also our district offices?

WARE : Currently, my understanding is, is that, will, it'll only be available in Capitol offices. That's--

WEST : Who--whose, whose decision was that?

WARE : That, that's a leadership decision that we--

WEST : (Well), when you say leadership, is that something by Leg. Council or by whose reasoning?

WARE : Well, we developed an issue paper to discuss that item. Our--it was our recommendation that it be available in Capitol offices, and that it--

WEST : When you say we, I'm sorry, who's we?

WARE : It was my recommendation (laughter).

WEST : Alright, why is that your recommendation?

WARE : I feel like there's a number of other sources of access to the application outside the legislative community. Y--we will be able to, there's a number of vendors that provide the software. If, if you, if there's other, and others, you know, interest groups that have soft--will have software will be able to im--port their plans in. And then, and be able to--

WEST : Maybe we're not communicating.

WARE : Okay, well, let's--

WEST : I'm not talking about, I'm not talkin' about the other int--other vendors, I'm talking about the Senators and the House Members. Will we--w--w--what, what is your rationale for us not having, or recommending that we not have access in our district offices because we spend a, a great deal of time, and that's where our constituents are.

WARE : Certainly. Well, the period we're gonna have that real data does--isn't gonna start until about April 1st. So you're talking about a, about a six week period.

WEST : That, that's not (inaudible).

WARE : The Legislature--

WEST : I understand that, but I mean, that's real data.

But if we wanna start tinkering with looking at districts now, in terms of areas

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

28

based on the latest projections by the State Data Cen--Center--

WARE : Uh-huh.

WEST : --we're prohibited from doing that if we could only have access in Austin, as opposed to where the rubber meets the road in our districts.

WARE : Uh-huh.

WEST : And I'm asking, what is the rationale for recommending that we not have that access?

: Security.

WARE : Yeah, there are a number of security issues that come up, to start with. There's a license fee for the software. We have to pay for every PC that we put it on, so there's a financial consideration. We looked at what was available to the Legislature in 1991, that was, you'd come over to our offices and worked in--

WEST : Well, we didn't have Internet in 9--we, we didn't have access to Internet in 1991, things change.

WARE : Yeah.

WEST : If we're, if we're--and I, and, and I'd like to know who is going to, Mr. Chairman, both Houses, I'd like to know who's gonna make the decision concerning this. I, I would think that if we're going to have an open process and allow full participation, that we should allow those computer systems to be in our district offices, because we spend the most time in those district offices.

FRASER : Senator West, if, if y--you know, this is a point I'm sure that there's gonna be a lotta discussion about, but really this is not the forum to discuss it. I think once we, this, this is a, a Interim Committee, we're gonna--the intent of this, what we're doing now is taking public testimony, and then when we start the process, and when it becomes a Standing Committee in the, the, the Senate, then I think we would have that discussion. But I, I'm not sure right now is the--

WEST : Well, we were talking about the tools that were available, and that Senators could use and Representatives could use, so I thought it was germane to what Alan was talking about. And what I'm hearing is that there is something going on right now, in terms of recommendations that are being made--

FRASER : That, that is, that is correct.

WEST : So we're, we're, we're in the midst of that process now, so I thought it would be germane since we're in the middle--

WARE : Well--

WEST : --of the process.

WARE : Is that to me (laughter)?

FRASER : Yeah, prob--probably--

WARE : The germaneness, or--

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

29

FRASER : --yeah.

WARE : Oh--

FRASER : Go ahead.

WARE : Oh, I was just sayin', we've been developing this application for, you know, since before the summer, you know, so there's a number of considerations that go--would go into being able to do it outside of the Capitol Complex. And, if we wanna look at those--

WEST : I, I don't wanna, and I don't wanna prolong the discussion because (obvious), we have citizens here, but I, I sure would like to know and, and kinda get a sense of where everyone else is in terms of having the ability to have Members of, of, of both Houses to have access to it, not only in their Capitol office--

FRASER : And--

WEST : --but also their district offices.

FRASER : --and, and, and I don't wanna cut that off, Senator. One, one of the problems we're having today is because this was a organizational meeting, and we've got a, a big stack of people to testify. We're gonna be in Austin next week, and I think maybe we could have some discussion before that, and there's a meeting next Wednesday, the 16th, and if, if that is appropriate or not, I think we need to ask questions of both Leg. Council and, and find out the reasoning on that, because I'm, I, I'm, I'm not able to discuss that right now and we need to ask the question but we, next--next Wednesday there will be another--

: We'll get you an answer by Wednesday.

FRASER : Rather than--

WEST : Okay.

FRASER : --'cause that's--

: (inaudible, not speaking into microphone)

WEST : That's fine, answer--Wednesday--by next Wednesday).

: Yeah.

: I'll let you use my laptop (laughter).

FRASER : You're off the hook for a week, we'll discuss this next (inaudible, overlapping conversation).

: Oh, yes (laughter).

JONES : Mr. Chairman--

: (inaudible) these people--

JONES : --unless we have something real pressing, I would urge us start taking testimony because some of these people probably have commitments and they're sacrificing their business and their time to be here, and I wish we could move into that.

FRASER : Any other questions?

: Mr. Chairman.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

30

FRASER : Y--and, and is, is that ending your testimony,
Leg. Council?

WARE : Yes, Sir.

FRASER : Thank you for being here.

HANNA : Thank you, Mr. Chairman.

FRASER : And I'd like to open the floor for public
testimony. If you have not filled out a witness card and wish to be entered into
the record, they're available at the table at the back of the room. Please fill out
the card completely and legibly and submit it to the clerk. Keep in mind that
you, if you have written testimony that you'd like to enter in the record, if you
filled out a, a, a witness affirmation form, you can submit written testimony and
spare a lot of us a little time. Senator Gallegos.

GALLEGOS : Mr. Chairman, in the interest of time, I--s--I
know some of the Members have to leave in a little bit, and we wanna hear
everybody, I would make a motion to limit testimony to three minutes, and if,
if you have it written testimony, summarize that testimony and then submit
the written testimony into the record.

FRASER : Motion's been made on the Senate side.
: (inaudible background discussion)

FRASER : Okay, on the Senate side we have a motion to
limit testimony to three minutes. Any discussion? Clerk, call the roll.

CLERK : Senator Fraser.

FRASER : Aye.

CLERK : Senator Gallegos.

GALLEGOS : Aye.

CLERK : Senator Barrientos.

BARRIENTOS : Aye.

CLERK : Senator Duncan. Senator Jackson.

JACKSON : Aye.

CLERK : Senator Lucio.

LUCIO : Aye.

CLERK : Senator Nelson.

NELSON : Aye.

CLERK : Senator Ogden.

OGDEN : Aye.

CLERK : Senator West.

WEST : Aye.

FRASER : Eight ayes, no nays, motion passes (gavel).

JONES : Members of the House, do we, we have a
motion that we limit testimony to three minutes. We have, any further
discussion on the House side? Do we wanna--

PITTS : Mr. Chairman.

JONES : Yes, Mr. Pitts.

TEXAS SENATE STAFF SERVICES
PS/188/RD020900.T1/041800
SENATE COMMITTEE ON
REDISTRICTING - ABILENE
FEBRUARY 9, 2000
TAPE 1

31

PITTS : How many do we have--
: How many--
: Signed up.
: --affidavits do we have?
: How many? Sixteen.

PITTS : Some of these people have come a long way and
I hate to limit their testimony just three minutes.

: (Background conversations)

FRASER : Well, you know, we, appears it's the, it's the
House sentiment that they do not wanna, to have a strict limitation of three
minutes, but we'd make a request to try to limit to three minutes. Is that not--

: That's fine (inaudible, overlapping
conversation).

FRASER : Obviously, we can't vote, we can't limit ours if
they don't limit theirs. Would you, yes--

GALLEGOS : Mr. Chairman, I withdraw my motion.

FRASER : Any objection to withdrawal of the motion?
(gavel) And we probably don't need a motion to, it'd, it'd, it'd be the request of
the Chairs that you try to limit your testimony to three minutes, if you could.
We've got several Members that have to catch a plane. In fact, we're gonna see
several of 'em start to depart pretty quickly here, because we've ran (sic) over,
but if you'd pay us the courtesy, if possible, to limit, if you have p--written
testimony--(verbiage lost due to changing of the tape)

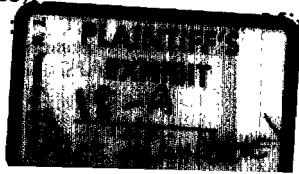
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TEXAS SENATE STAFF SERVICES
PAS/188/RD021600.T1/041200
SENATE COMMITTEE ON REDISTRICTING
FEBRUARY 16, 2000
TAPE 1

1

(Senator Gallegos, Senator Fraser, Representative Jones, Co-Chairs)

JONES : (gavel) Meeting will come to order and the
Senate will call the roll for their Committee, please.
CLERK : Senator Fraser.
FRASER : Here.
CLERK : Senator Gallegos.
GALLEGOS : Here.
CLERK : Senator Barrientos.
BARRIENTOS : Here.
CLERK : Senator Duncan. Senator Jackson.
JACKSON : Here.
CLERK : Senator Lucio.
LUCIO : Here.
CLERK : Senator Madla.
MADLA : Here.
CLERK : Senator Nelson.
NELSON : Here.
CLERK : Senator Ogden.
OGDEN : Here.
CLERK : Senator Shapiro.
SHAPIRO : Here.
CLERK : Senator West.
 : Mr. Chairman, the Senate quorum is present.
JONES : Thank you. Clerk will call House roll.
CLERK : Representative Jones.
JONES : Here.
CLERK : Representative Glaze. Representative Bosse.
BOSSE : Here.
CLERK : Representative Counts.
COUNTS : Here.
CLERK : Representative Dunnam. Representative
Grusendorf. Representative Hunter.
HUNTER : Yes.
CLERK : Representative Marchant. Representative
Moreno. Representative Pitts. Representative Wilson.
JONES : Quorum is present, we're ready to start our
meeting. We've had our roll call, I would make one comment to you that
Senator West had some questions about RedAppl and some of the functions that
it will perform and some of the questions about it, and a letter from the
Legislative Council is in your packet today, responding to those questions. And
I believe, Senator Fraser, you were gonna adopt minutes (inaudible, not
speaking into the microphone).
FRASER : Minutes have been placed in



TEXAS SENATE STAFF SERVICES
PAS/188/RD021600.T1/041200
SENATE COMMITTEE ON REDISTRICTING
FEBRUARY 16, 2000
TAPE 1

2

your bill book, Members. This time I'd like to ask for approval of Committee minutes from a previous meeting held on February 8, 2000. Are there any objections? Being none, let the minutes be approved as read in the record (gavel).

JONES : At this time we're ready for testimony from anybody that wants to testify or make some comments to the, to the Joint Committees. Are there some in, in the Chamber who have filled out affidavits and are ready to testify? While we're waiting for them to come forward I'll ask if anyone has any comments to make, and I believe Senator Fraser has some that he wants to make at this time.

FRASER : And as the comments we made in our meeting last week in Abilene, I wanna make sure we extend a special welcome today to Gay Hume and Tricia Tingle of the United States Department of Justice. I understand that both of these, these people have ties to Texas. We're luc--we're very excited to have you back and look forward to working with you. Members, as you know, this is the second of many Joint Meetings of the House and Senate Committees on Redistricting. We look forward to hearing not only from everyone today, but from Texans in all part (sic) of the state. Our aim, as we stated in Abilene, is very simple. All through this process we are hoping to be able to draw boundaries that are fair, compact and contiguous, and comply with the Federal Voting Rights Act, and if at all humanly possible, to keep communities of interest intact. I'm sure, with their help, that all citizens in the State of Te--of State of Texas will benefit.

JONES : Thank you, Mr. Chairman. Any other comments from any Members of the Committee, Senate or House either one?

GALLEGOS : Mr. Chairman.

JONES : Yes.

GALLEGOS : I just wanna echo what my Co-Chair, Senator Fraser as well as yourself, and I feel it's critical to learn what all have to say about the, about this process at the, at the outset, and there should be some handouts available in the room with suggested topics for your testimony. And if you're satisfied or dissatisfied with the districts as they exist, now's the time to let us know. And I wanna welcome everybody here and we're ready to get started--

JONES : Alright.

GALLEGOS : --Mr. Chairman.

JONES : And just for clarification for the audience, we have two Committees meeting here today, it's not an official Joint Committee because we were not organized during the Session. But we're meeting as two separate Committees and that may add a little bit to the confusion to the general public, but that's the reason we have a separate roll call, and then we have kind of separate orders of business, that the Senate adopts their business rules and we will subsequently adopt whatever we need to adopt on the House side. At this time we're ready to proceed with witnesses. Do we have Leslie

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LENGTH: 509 words

HEADLINE: Senate jumps into remap wrangle;

Hearing scheduled in Houston

SOURCE: Staff

BYLINE: CLAY ROBISON, Houston Chronicle Austin Bureau

DATELINE: AUSTIN

BODY:

AUSTIN - The state Senate, which so far has taken a back seat to the House on congressional redistricting, is jumping into the fray by scheduling its own committee hearings on the politically charged issue.

The Senate Jurisprudence Committee tentatively set public hearings in Laredo, San Angelo, Houston, McAllen and Dallas, beginning Saturday.

Sen. Robert Duncan, R-Lubbock, the committee chairman, said Monday that the schedule is not final, but he expected the hearings to end on July 7, one week after the special session on redistricting convenes.

Gov. Rick Perry, meanwhile, made the session official Monday by filing the necessary proclamation with the secretary of state.

The governor set a starting time for 10 a.m. June 30 and designated congressional redistricting as the only agenda item. The session can last as long as 30 days, and Perry can add other issues after the session begins.

Duncan said the Senate hearings, which grew out of discussions with Lt. Gov. David Dewhurst, were planned to help compile "an independent record that we can rely upon in developing a redistricting plan."

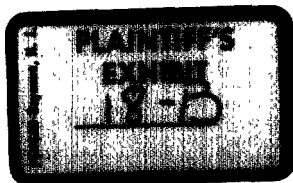
The House Redistricting Committee already has scheduled separate subcommittee hearings in Houston, Dallas, Nacogdoches, San Antonio, Lubbock and Brownsville. The Houston hearing will begin at 9 a.m. Saturday at Texas Southern University.

The House took the lead on redistricting during the recent regular session.

But a walkout by more than 50 Democratic legislators, who fled to Oklahoma to break a quorum and shut the House down for four days, killed a GOP-backed bill before the Senate had a chance to take up the matter.

Rep. Garnet Coleman, D-Houston, one of the Democratic dissidents, questioned the value of either set of public hearings.

"They are late and disorganized, particularly on the Senate side. The House side isn't much better," he said.



Duncan said he had no preconceived ideas about how congressional district lines should be redrawn, despite the strong interest of Perry and other GOP leaders in increasing Republican strength in Congress.

"I'm really going to try to keep an open mind 'til I see the entire map," Duncan said.

The senator said he hadn't discussed redistricting with U.S. House Majority Leader Tom DeLay or anyone from the White House, but welcomed their contributions.

"DeLay is a Texas citizen, and he would be entitled to have as much input as he wishes," Duncan said.

"It's important that we hear from all of Texas. I haven't heard from the White House. If they have any input, it's their prerogative to submit it," he added.

DeLay, R-Sugar Land, has been the primary force behind the redistricting effort, intended to increase the number of Republicans elected to Congress from Texas. Democrats now hold a 17-15 edge in the delegation.

Barring another Democratic walkout, a new redistricting map is expected to pass the House during the special session. The Senate presents a higher hurdle because of long-standing rules requiring a two-thirds vote to bring legislation to the floor.

TEXAS HOUSE OF REPRESENTATIVES

MAY 02 2003

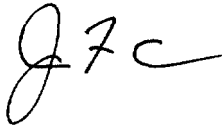


COMMITTEE ON REDISTRICTING

P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-9948

MEMORANDUM

TO: Members of Congress and Individuals and Organizations Interested
in Congressional Redistricting

FROM: Joe Crabb, Chairman
House Committee on Redistricting 

DATE: April 30, 2003

SUBJECT: Public Hearings on Committee Substitute H.B. 3398

The House Committee on Redistricting has scheduled two public hearings on H.B. 3398, relating to the composition of the districts for the election of members of the United States House of Representatives from the State of Texas. I have proposed a substitute to this bill, PLAN 01163C. Maps and reports of the plan can be viewed interactively or printed from RedViewer on the Internet at <http://gis1.tlc.state.tx.us/>. The purpose of these hearings is to allow people interested in congressional redistricting to offer public comment on the proposed congressional redistricting plan. Individuals and organizations interested in the redistricting process are encouraged to attend.

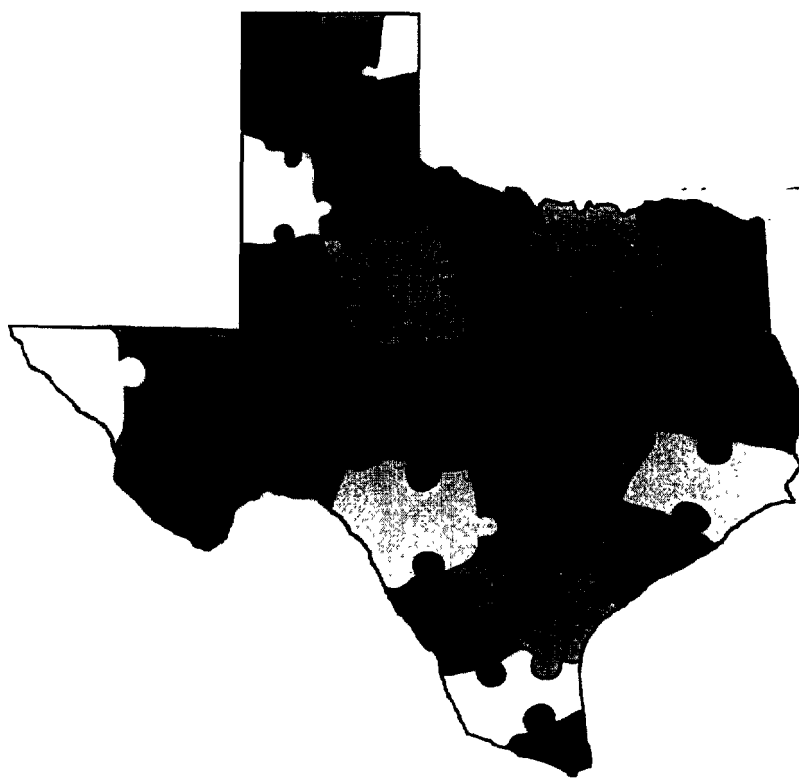
The first hearing is on Friday, May 2, 2003, and is set to begin at 2 p.m. in Room E2.036, Capitol Extension, 1100 Congress Avenue, Austin, Texas. However, please note that the meeting will not start until the house has adjourned for the day. The second hearing is in the same location on Saturday, May 3, 2003, and is set to start at 10 a.m., but the meeting will be delayed if the house is in session at that time.

If you have any questions, please contact Jay Yates, Redistricting Committee Clerk, at (512) 463-9948.



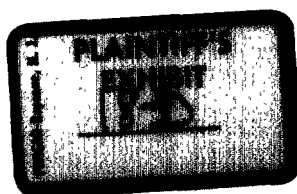
REP. JOE CRABB, CHAIRMAN, MICHAEL U. VILLARREAL, VICE-CHAIRMAN
ISMAEL "KINO" FLORES, KENT GRUSENDORF, CARL ISETT, PHIL KING, MIKE KRUSEE, VILMA LUNA, KENNY MARCHANT,
RUTH JONES MCCLENDON, GEANTIE MORRISON, JIM PITTIS, RICHARD RAYMOND, ROBERT TALTON, RON WILSON

State and Federal Law Governing Redistricting in Texas

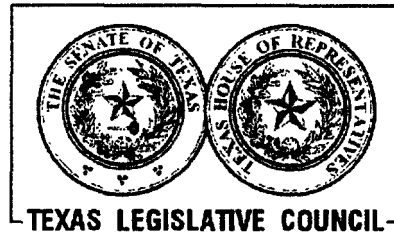


Texas Legislative Council

March 2001



State and Federal Law Governing Redistricting in Texas



Prepared by the Staff
of the
Texas Legislative Council

Published by the
Texas Legislative Council
Austin, Texas

Lieutenant Governor Bill Ratliff, Chairman
Speaker James E. "Pete" Laney, Vice Chairman
Steven R. Collins, Chief Legislative Counsel and Executive Director
March 2001

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Table of Contents

Introduction

Chapter 1

The Texas Redistricting Process

Chapter 2

One Person, One Vote: The Equal Population Requirement

Chapter 3

Minority Vote Dilution and Section 2 of the Voting Rights Act

Chapter 4

Federal Preclearance: Section 5 of the Voting Rights Act

Chapter 5

Constitutional Prohibitions Against Racial
Discrimination and Racial Gerrymandering

Chapter 6

Partisan Gerrymandering

Chapter 7

Substantive Redistricting Standards in the Texas Constitution

Chapter 8

Court-Ordered Redistricting Plans

Introduction

In *Wesberry v. Sanders*, the landmark voting rights case extending the principle of one person, one vote to the election of members of the U.S. Congress, the U.S. Supreme Court stated that “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”¹

It has long been recognized that manipulating the composition of legislative, congressional, and other elective districts can be just as effective in fencing disfavored groups out of the political system as directly prohibiting the right to vote itself. However, before 1962, federal courts and the courts of most states refused to hear cases challenging the composition of those districts. The courts took the position that redistricting is exclusively a political matter in which judicial involvement would be inappropriate. The Supreme Court summarized that position in 1946 in *Colegrove v. Green*, a suit challenging the validity of Illinois’s congressional districts on a number of constitutional grounds, including the population inequality among the districts:

It is hostile to a democratic system to involve the judiciary in the politics of the people. . . . The petitioners urge with great zeal that the conditions of which they complain are grave evils and offend public morality. . . . But due regard for the Constitution as a viable system precludes judicial correction.²

The Court concluded that the federal judiciary should not enter the “political thicket” of redistricting.³

Most courts routinely dismissed redistricting challenges until the Supreme Court reversed its position in the 1962 case *Baker v. Carr*.⁴ In that case, the Court abandoned the hands-off approach exemplified by *Colegrove*, holding that the federal courts must consider and decide claims by disgruntled voters that legislative redistricting plans violate their federal constitutional rights. The need for judicial scrutiny of districting plans was especially apparent in light of the extreme population disparities among districts that existed in many states. Since those who suffered most from such malapportioned districts lacked the very representation needed to remedy that malapportionment in the redistricting process, federal judicial intervention was necessary to break the incumbents’ stranglehold. The Court realized that, as a matter of political reality, incumbent state legislators could not be relied on to fully protect the voting rights of all citizens at the cost of their own political power. Since the *Baker* decision opened the federal courthouse to legal challenges to the composition of districts, those challenges, against both state and local redistricting plans, have flourished under state and federal law all over the country.

Supreme Court decisions handed down since *Baker* have recognized three major constitutional standards governing redistricting plans:

- (1) districts must be of equal population to ensure that the value of every person’s vote is substantially equal;
- (2) a plan may not intentionally dilute the voting strength of members of a racial or ethnic minority group; and
- (3) a plan that contains districts drawn primarily on the basis of race or ethnicity requires a compelling justification.

Readers should be cautioned that rapidly occurring developments threaten to make portions of any publication obsolete overnight. In the six months before the release of this publication, the methods the Census Bureau uses to compile the official federal census data have changed dramatically. At one point, the issue on whether a state would use adjusted or unadjusted data for its congressional and legislative redistricting seemed to be a defining feature for the 2001 round of redistricting. But the March 2001 recommendation of the professional staff at the Census Bureau against releasing statistically adjusted census data and the subsequent decision by the commerce secretary to adopt that recommendation have relegated the issue to secondary status at best for the upcoming redistricting efforts. Judicial decisions refining and revising the legal standards for redistricting will proliferate after states and local governments begin to adopt redistricting plans in 2001. It will therefore be necessary to monitor developments in redistricting law that take place after the release of this publication to keep abreast of the issues that face the legislature in its effort to enact redistricting plans that will survive court challenge.

Notes, Introduction

¹ 376 U.S. 1, 17 (1964).

² 328 U.S. 549, 553-554.

³ *Id.* at 556.

⁴ 369 U.S. 186.

⁵ Now codified, as amended, at 42 U.S.C. Secs. 1973 to 1973bb-1.

Chapter 1

The Texas Redistricting Process

I. Redistricting: A Legislative Function

A. Redistricting Authority

Section 28, Article III, Texas Constitution, requires the Texas Legislature to apportion both houses of the legislature at its first regular session after publication of the federal decennial census. Without this requirement, the legislature would be responsible for legislative redistricting under the plenary legislative authority granted by Section 1, Article III, Texas Constitution. The Texas Supreme Court has stated that section grants to the legislature “all legislative power—the power to make, alter and repeal laws—not expressly or impliedly forbidden by other provisions of the State and Federal Constitutions.”¹ Redistricting of the state’s congressional districts has always been and continues to be a legislative responsibility under the general legislative power granted by Section 1, Article III. For state government districts such as State Board of Education districts, which the constitution does not expressly assign to any entity the duty to redistrict, redistricting is also within the exclusive domain of the legislature. The drawing of local government districts, such as county precincts, school board election districts, and city council wards, has been delegated by the state constitution² or by statute³ to the local governments themselves. The state constitution assigns to the legislature, the Judicial Districts Board, and the Legislative Redistricting Board the duty to draw districts for the state district courts.⁴

Section 28, Article III, Texas Constitution, delegates a portion of the legislative redistricting function to a special constitutional body—the Legislative Redistricting Board (referred to in this chapter as the LRB)—in effect stripping the legislature of a portion of its general legislative power. The power of the LRB within its limited jurisdictional period is legislative, in effect the same as that ordinarily exercised by the legislature. Before Section 28 was amended in 1948 to create the LRB, legislative redistricting was within the exclusive authority of the legislature.

Legislative Discretion. While redistricting is thought of as a special legislative function, it is nonetheless lawmaking the same as any other lawmaking. When redistricting, the legislature, and the LRB within its jurisdiction, is establishing policy on behalf of the people of the state. While the broad requirements of redistricting are established by the Texas Constitution, that same constitution entrusts the details of redistricting to the legislature and the LRB. The legislature and LRB must comply with the specific laws governing redistricting discussed in this publication: the U.S. Constitution, the federal Voting Rights Act of 1965, and the Texas Constitution. In all other respects, the state’s redistricting bodies are free to craft redistricting plans as they consider appropriate. They may attempt to balance the influence of urban, suburban, and rural voters, give preference to one over the other, or disregard urban, suburban, or rural interests altogether. They may attempt to keep cities, school districts, neighborhoods, or other identifiable areas with common interests together, or may split them between districts. They may use existing political and natural boundaries as much as possible, or ignore them and create new lines altogether. They may create districts that are inconvenient or expensive to campaign in. They may attempt to minimize contests between incumbents, or ignore incumbents. Unless such action can be shown to violate the constitution or other specific law, it is subject to the discretion of the legislature or LRB.

There are important practical limits to this discretion. The requirements of state and federal law must be kept in mind at every turn. Good faith efforts to preserve incumbents, create compact districts, preserve local communities, or follow existing political boundaries may come into direct conflict with legal requirements. In addition, courts often look to features such as the shapes of districts, their effect on incumbents, and the extent to which they correspond to existing political boundaries or identifiable communities of interest as evidence that the districts were intended to achieve invalid or suspect goals, such as minimizing or maximizing the voting power of a racial or ethnic group or a political party.

Redistricting by Bill. Section 28, Article III, does not specify the manner in which the legislature is to carry out redistricting. As a general rule, the legislature must carry out its constitutional authority by bill. Section 30, Article III, Texas Constitution, provides that “[n]o law shall be passed, except by bill.” The legislature has consistently used bills to carry out redistricting, under Section 28, Article III, for the state legislature, and for other bodies such as the state’s congressional delegation and the State Board of Education. This is also the practice in other states.

Redistricting plans must therefore comply with all the constitutional safeguards and procedures imposed on the enactment of bills generally, including the authority of the governor to veto the bill under Section 14, Article IV. Texas courts have not been presented with the question of whether the legislature may carry out its redistricting authority in a manner other than by bill or whether the governor may veto a legislative redistricting measure. The U.S. Supreme Court has held that congressional redistricting, delegated to the states under Section 2, Article I, U.S. Constitution, is to be carried out under the general lawmaking authority of each state.⁵ Federal courts have looked to a state’s constitution to determine how that authority is to be exercised and have indicated that if the state constitution provides for the gubernatorial veto of legislation generally, that veto power also applies to congressional redistricting measures passed by the legislature.⁶ The Texas Legislature’s established practice of redistricting by bill has probably foreclosed any argument that the legislature could do so by resolution or other procedure instead of by bill. In 1981, the governor vetoed the legislature’s senate redistricting bill.⁷ The validity of the veto was apparently taken for granted and not questioned in any legal proceedings.

A legislative resolution, while not having the force of law, may be useful in the context of redistricting litigation for the legislature to express its preferences to a court considering the adoption of a remedial redistricting plan after a legislative plan has been held invalid or when the legislature has failed to enact a plan. As discussed in Chapter 8 of this publication, a court implementing a remedial plan is supposed to incorporate the preferences of the state’s legislature or other policymakers—such as the LRB—to the extent not inconsistent with legal requirements. One or both houses of the legislature may consider the adoption of a resolution proposing redistricting changes to a court when there is not time to pass a bill, when a gubernatorial veto may appear likely, or when there is no consensus between the houses as to a remedial plan but at least one house would like the court to consider its own preferences. In 1983, the Texas Senate adopted a resolution stating that it approved a remedial plan for senate districts worked out as a compromise between state officials and the plaintiffs in pending litigation.⁸ The senate resolution indicated that the senate considered the proposal to embody legitimate state policies such as the preservation of existing political units, natural boundaries, communities of interest, and existing member-constituent relationships. The court adopted the proposed compromise plan in part because of its approval by the Texas Senate.⁹ However, such a resolution is not effective unless adopted by the court and

implemented as part of the court's remedy.¹⁰ While the courts are required to give deference to legislative preferences in drawing court-ordered plans, the preferences of either or both houses expressed through a resolution are not treated with the same degree of deference as a redistricting plan enacted by bill and approved or allowed to become law by the governor, and may be given no weight at all.¹¹

B. Time for Redistricting

Congressional Districts. Under federal law, the traditional enumeration of the population under the 2000 federal census results was used to determine the number of congressional seats apportioned to each state for the decade.¹² Texas was assigned 32 congressional seats under that apportionment, two more than were apportioned to Texas in 1990. The increase to 32 representatives applies beginning with the 2002 elections for the 108th Congress, which convenes in January 2003. No state or federal statute expressly requires congressional redistricting at any particular time. However, as a practical matter, the legislature must draw new districts for the state's 32 congressional seats in time for the preclearance of those plans under Section 5 of the Voting Rights Act before the candidate's filing period for the 2002 primary election.¹³ If the legislature fails to draw congressional districts in time, a suit could be brought in federal court to enforce 2 U.S.C. Section 2c, which requires the state to draw separate districts for each member of its congressional delegation.¹⁴ Even without the increase in the number of seats awarded to Texas, the population deviations that have developed among the present districts since the 1990 census would prevent the use of the old districts because that use would violate the one-person, one-vote principle.¹⁵

Congressional redistricting can be carried out by the legislature in a special session, as was done in 1971, 1981, and 1991.¹⁶ However, the legislature may not call itself into special session. The decision to call a special session rests exclusively with the governor under the state constitution.¹⁷ Furthermore, if the legislature attempted to pass a congressional redistricting bill during a special session called for a purpose other than congressional redistricting, any member of the legislature could block the bill under traditional parliamentary practice by invoking a point of order that the bill is not within the subject matter of the special session.¹⁸

State Board of Education Districts. No state statute requires redistricting of the State Board of Education districts at a particular time, although the statutes governing the board assume the districts will be redrawn after each federal decennial census.¹⁹ The 2000 census will show that the current board districts drawn by the legislature in 1991²⁰ vary widely in population because of the state's uneven population growth during the intervening years. Failure to redraw the board's districts after the 2000 census would invite litigation under the one-person, one-vote principle, in which the plaintiff would almost certainly prevail. The legislature would be ordered to draw new districts or the courts would draw new districts on their own if the legislature failed to do so. Thus, just as with congressional districts, the legislature as a practical matter must draw new State Board of Education districts at the 2001 Regular Session or at a subsequent special session in time to preclear the new districts under Section 5 of the Voting Rights Act for the 2002 primary election filing period.

State Legislative Districts. Section 28, Article III, Texas Constitution, was amended in 1948 to require the legislature to apportion the state into senate and representative districts "at its first regular session after the publication of each United States decennial census." The Texas Supreme Court in 1971 in *Mauzy v. Legislative Redistricting Board* held that if the census is published during a regular session, then that session is the regular session at which the legislature must redistrict the

house and senate, even if there are only a few days left in that session.²¹ In each of the five decades since Section 28, Article III, was amended, the census was published during the first regular session of the decade (1951, 1961, 1971, 1981, and 1991), and the legislature undertook state house and senate redistricting at that session.

Section 28, Article III, provides that, if the legislature fails to redistrict the state house or senate at the first regular session, that duty falls to the LRB, which consists of the lieutenant governor, the speaker of the house, the attorney general, the comptroller of public accounts, and the commissioner of the General Land Office. The board must convene to carry out its redistricting duty within 90 days after the end of that regular session and must complete its task within 60 days after convening.

Section 28 appears to limit the LRB to a single 60-day session. If the board convenes after the regular session of the legislature, redistricts one house that the legislature failed to redistrict, and adjourns at the end of 60 days, it is not clear whether the board could convene again within the 90-day deadline to redistrict the other house if the legislative plan for that house were held invalid after the board's adjournment but before the end of the 90 days. If the board redistricts one house and adjourns in less than 60 days, it is also unclear whether it could reconvene within the 60 days after it originally convened to redistrict the other house.

If the legislature's plan is held invalid after the 90th day after the end of the regular session, the board has jurisdiction to redistrict the house or senate if the board convenes within the 90 days and is still in session to redistrict the other house. In 1971, the Texas Supreme Court ordered the LRB to redistrict the house, as the legislature's house plan was held invalid on September 16, and the board was in session at that time to redistrict the senate.²²

The legislature may not redistrict the house or senate in special session during the LRB's jurisdiction.²³ If the LRB fails to complete house or senate redistricting within the time provided by Section 28, or the LRB plan is subsequently invalidated before the election, the Texas Constitution does not expressly provide whether the legislature is authorized to continue the effort in special session after the LRB's authority expires. However, the Texas Supreme Court has held that the legislature may act in a special or regular session after the constitutional authority of the LRB has expired.²⁴

In practice, if legislative redistricting is not completed before the 2002 elections, lawsuits will certainly be filed attempting to require the legislature to redistrict in order to comply with the one-person, one-vote principle and to remedy any minority vote dilution that the 2000 census data discloses to have developed in the existing districts since they were drawn using the 1990 census. Given the significant population growth that has occurred in Texas since 1990, it is unlikely that the courts would allow the state to use the districts adopted under the 1990 census for the 2002 legislative elections if the state is unable to enact a valid new plan by that time. If time permits, the court would give the legislature a reasonable opportunity to draw new districts before implementing a court-ordered plan.

C. Role of the Legislative Redistricting Board

The LRB was created by constitutional amendment in 1948 to ensure that the state would "get on with the job of legislative redistricting which had been neglected or purposely avoided for more than twenty-five years."²⁵ Before 1962, the courts had determined that redistricting was a political matter and refused to entertain suits to remedy malapportionment or discrimination in a

Notes, Chapter 1

¹ Walker v. Baker, 196 S.W.2d 324, 328 (Tex. 1946).

² Section 18, Article V (county justice and commissioners precincts); Section 5, Article XI (home-rule cities).

³ See, e.g., Secs. 11.052 (independent school districts) and 130.082 through 130.0822 (junior college districts), Texas Education Code.

⁴ Sections 7 and 7a, Article V.

⁵ Smiley v. Holm, 285 U.S. 355, 367-368 (1932).

⁶ *Id.* at 370-373.

⁷ S.B. 800, 67th Legislature, Regular Session, 1981 (vetoed on June 18).

⁸ S.R. 599, 68th Legislature, Regular Session, 1983.

⁹ Terrazas v. Clements, 581 F. Supp. 1319, 1321, 1327 (N.D. Tex. 1983).

¹⁰ In a state, such as Texas, subject to Section 5 of the Voting Rights Act, a court may not adopt a legislative proposal as a permanent plan unless the proposal has been precleared under Section 5. See *McDaniel v. Sanchez*, 452 U.S. 130 (1981).

¹¹ For the difference between the deference given to a properly enacted plan and that given to other expressions of legislative preference such as resolutions, see *Shayer v. Kirkpatrick*, 541 F. Supp. 922, 932-933 (W.D. Mo.), *aff'd*, *Schatzle v. Kirkpatrick*, 456 U.S. 966 (1982); *O'Sullivan v. Brier*, 540 F. Supp. 1200, 1202 (D. Kan. 1982).

¹² See 2 U.S.C. Sec. 2a and *Department of Commerce v. U.S. House of Representatives*, 525 U.S. 316 (1999), in which the Supreme Court found that federal law required the use of the actual headcount of persons for the apportionment that occurs under 2 U.S.C. Sec. 2a.

¹³ Under Sec. 172.023(a), Texas Election Code, the filing period is the 31-day period ending January 2, 2002.

¹⁴ In December 2000, after the release from the Census Bureau of the numbers that allow for apportionment of congressional seats, suits were filed against Texas congressional redistricting plans in both state and federal court on the theory that Texas lacked a plan that encompassed its 32 districts. See *Del Rio v. Perry*, No. GN 003665 (353rd Dist. Travis County Dec. 2000) and *Mayfield v. State*, Civ. No. 2-00 CV 268-DF (E.D. Tex. Dec. 28, 2000).

¹⁵ See the section of Chapter 2 of this publication discussing the requirement for equal populations among congressional districts.

¹⁶ Chapter 12, Acts of the 62nd Legislature, 1st Called Session, 1971; Chapter 2, Acts of the 67th Legislature, 1st Called Session, 1981; Chapter 7, Acts of the 72nd Legislature, 2nd Called Session, 1991.

¹⁷ Section 5, Article III, Texas Constitution; *Walker*, 196 S.W.2d at 328.

¹⁸ See, e.g., House Journal, 69th Legislature, 2nd Called Session, 1986, pp. 189-190.

¹⁹ See Sec. 7.104, Texas Education Code.

²⁰ Chapter 2, Acts of the 72nd Legislature, 2nd Called Session, 1991.

²¹ 471 S.W.2d 570, 573 (Tex. 1971).

²² *Id.* at 573-575.

²³ See Op. Tex. Att’y Gen. No. DM-6 (1991); Op. Tex. Att’y Gen. No. M-881 (1971).

²⁴ See *Terrazas v. Ramirez*, 829 S.W.2d 712, 726 (Tex. 1991).

²⁵ *Mauzy*, 471 S.W.2d at 573. The legislature did not redistrict house or senate districts at all between 1921 and 1951.

²⁶ See *Walker*, 196 S.W.2d at 328, in which the Texas Supreme Court stated that the senate’s authority to approve or disapprove gubernatorial appointments under Section 12, Article IV, should be narrowly construed since it is an exception to the general appointment power residing in the governor’s office.

²⁷ In 1981, Governor Clements vetoed the senate plan, S.B. 800, Acts of the 67th Legislature, Regular Session, and the LRB proceeded to redistrict the senate without apparent objection.

²⁸ *Mauzy*, 471 S.W.2d at 574. The Texas Supreme Court extended its holding to a plan held invalid under *any* law, since “[a]n apportionment which is invalid, for whatever reason, is no apportionment.” *Id.*

²⁹ Now codified as Chapter 551, Texas Government Code.

³⁰ 13 U.S.C. Sec. 141(d).

³¹ Bureau of the Census, U.S. Dep’t of Commerce, Report to Congress—The Plan for Census 2000 (1997) (hereinafter Census 2000 Report), at 2-4.

³² 13 U.S.C. Secs. 141(a), 195.

³³ *Wisconsin v. City of New York*, 517 U.S. 1, 24 (1996).

³⁴ Pub. L. No. 102-135, Sec. 2(a) (1), 105 Stat. 635 (1991) (codified at 13 U.S.C. Sec. 141 note).

³⁵ See Census 2000 Report, *supra* note 31, at 7, 24.

³⁶ Pub. L. No. 105-119, Sec. 209(b) (1998).

³⁷ Pub. L. No. 105-119, Sec. 209(j) (1998).

³⁸ Title 13, United States Code.

³⁹ See *U.S. House of Representatives v. Department of Commerce*, 11 F. Supp.2d 76 (D.D.C. 1998).

⁴⁰ See *Clinton v. Glavin*, 19 F. Supp.2d 543 (E.D. Va. 1998).

⁴¹ 525 U.S. 316 (1999).

⁴² Department of Commerce Press Release, February 14, 2001.

⁴³ See Report of the Executive Steering Committee for Accuracy and Coverage Evaluation Policy, March 1, 2001.

⁴⁴ 66 Fed. Reg. 14520 (2001).

⁴⁵ *Burns v. Richardson*, 384 U.S. 73, 91 (1966).

⁴⁶ *Winter v. Docking*, 373 F. Supp. 308 (D. Kan. 1974).

⁴⁷ *Exon v. Tiemann*, 279 F. Supp. 603, 608 (D. Neb. 1967).

⁴⁸ Kirkpatrick v. Preisler, 394 U.S. 526, 535.

⁴⁹ 462 U.S. 725, 737-738.

⁵⁰ *Id.* at 738.

⁵¹ Spears v. Davis, 398 S.W.2d 921, 924 (Tex. 1966).

⁵² Op. Tex. Att’y Gen. No. DM-351 (1995); Op. Tex. Att’y Gen. No. M-349 (1969).

⁵³ Terrazas v. Clements, 581 F. Supp. at 1324-1325.

⁵⁴ Thomas v. Bush, No. A-95 CV 186-SS (W.D. Tex. Sept. 15, 1995 order).

⁵⁵ Tex. Att’y Gen. LO 95-046 (1995).

⁵⁶ Armbrister v. Morales, 943 S.W.2d 202 (Tex. App.—Austin 1997, no writ).

⁵⁷ A request to the Supreme Court to appeal a decision of the court of appeals is referred to as a petition for writ of certiorari. If the Supreme Court decides to hear the appeal, it grants a writ of certiorari. If it chooses not to hear the appeal, it refuses to grant the writ (“*cert. denied*” is the notation in legal citations), allowing the decision of the court of appeals to stand.

⁵⁸ 28 U.S.C. Sec. 2284(a).

⁵⁹ The three judges include the district judge of the court in which the case is filed and two others designated by the chief judge of the circuit court of appeals, at least one of whom is a judge of the appellate court. 28 U.S.C. Sec. 2284(b)(1).

⁶⁰ 28 U.S.C. Sec. 1253.

⁶¹ See Chapter 2 of this publication.

⁶² See Chapter 5 of this publication.

⁶³ See Chapter 6 of this publication.

⁶⁴ See Chapter 3 of this publication.

⁶⁵ See, e.g., Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989), *aff’d mem.*, 498 U.S. 1019 (1991).

DECLARATION OF ROBERT S. BERMAN
DEPUTY CHIEF, VOTING SECTION
CIVIL RIGHTS DIVISION
UNITED STATES DEPARTMENT OF JUSTICE

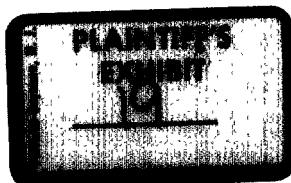
I, Robert S. Berman, Deputy Chief of the Voting Section,
Civil Rights Division, United States Department of Justice,
hereby make the following declaration pursuant to 28 U.S.C. 1746:

My duties as Deputy Chief of the Voting Section include the
initial supervisory authority over the review of voting changes
submitted to the Attorney General under Section 5 of the Voting
Rights Act of 1965, as amended, 42 U.S.C. 1973c.

On August 11, 2003, J. Gerald Hebert, Esq., requested
information as to whether the State of Texas had sought Section 5
review of the following actions:

- "1) The State of Texas's exercise of
discretion to undertaking congressional
redistricting in mid-decade, absent a court
order to so.
- 2) The State of Texas administration of a
Rule in the Texas Senate that would change
the current supermajority requirement to a
simple majority with respect to congressional
redistricting"

Staff under my control has conducted a search among the
Department's records to determine whether the State of Texas has
sought Section 5 preclearance for the actions identified in that



letter. Our records indicate that the state has not made a submission of either of these actions, nor has the Attorney General made a determination as to whether these actions constitute changes affecting voting that require Section 5 preclearance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of August, 2003.

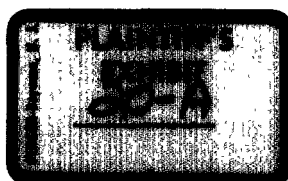
A handwritten signature in black ink, appearing to read 'R. Berman', written over a horizontal line.

ROBERT S. BERMAN
Deputy Chief, Voting Section
Civil Rights Division
Department of Justice
Room 7243 NWB
950 Pennsylvania AV, N.W.
Washington, D.C. 20530

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

-----2000 CENSUS POPULATION-----			
Total State Population			20,851,820
Total Districts Required			31
Ideal District Population			672,639
Unassigned Population			0
Districts in Plan			31
	---Population---	-----Deviation-----	
		Total	Percent
Plan Overall Range		65,350	9 71%
Smallest District (21)	639,525	-33,114	-4 92%
Largest District (10)	704,875	32,236	4 79%
Average (mean)	672,639	17,500	2 60%

PLAN 01188S



POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

			2000 CENSUS POPULATION											
	DEVIATION		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER		%A	%B	%H	%BH	%O
DIST 1	3,040	Total:	675,679	501,017	118,077	46,846	164,054	10,608		74.2	17.5	6.9	24.3	1.6
	(0.45%)	VAP:	502,668	385,484	81,459	28,461	109,451	7,733		76.7	16.2	5.7	21.8	1.5
Bowie (100%)			89,306	62,712	21,235	3,992	25,071	1,523		70.2	23.8	4.5	28.1	1.7
Camp (100%)			11,549	7,507	2,247	1,707	3,935	107		65.0	19.5	14.8	34.1	0.9
Cass (100%)			30,438	23,542	6,028	526	6,529	367		77.3	19.8	1.7	21.5	1.2
Franklin (100%)			9,458	8,129	387	842	1,220	109		85.9	4.1	8.9	12.9	1.2
Gregg (100%)			111,379	76,851	22,575	10,183	32,584	1,944		69.0	20.3	9.1	29.3	1.7
Harrison (100%)			62,110	43,044	15,085	3,316	18,326	740		69.3	24.3	5.3	29.5	1.2
Lamar (100%)			48,499	39,116	6,720	1,614	8,277	1,106		80.7	13.9	3.3	17.1	2.3
Marion (100%)			10,941	7,818	2,671	263	2,912	211		71.5	24.4	2.4	26.6	1.9
Morris (100%)			13,048	9,217	3,182	477	3,643	188		70.6	24.4	3.7	27.9	1.4
Panola (100%)			22,756	17,629	4,084	798	4,866	261		77.5	17.9	3.5	21.4	1.1
Red River (100%)			14,314	10,868	2,586	669	3,241	205		75.9	18.1	4.7	22.6	1.4
Rusk (100%)			47,372	33,737	9,232	3,998	13,153	482		71.2	19.5	8.4	27.8	1.0
Smith (60%)			104,348	82,489	12,947	7,005	19,848	2,011		79.1	12.4	6.7	19.0	1.9
Titus (100%)			28,118	16,782	3,082	7,960	10,982	354		59.7	11.0	28.3	39.1	1.3
Upshur (100%)			35,291	29,728	3,687	1,394	5,048	515		84.2	10.4	4.0	14.3	1.5
Wood (100%)			36,752	31,848	2,329	2,102	4,419	485		86.7	6.3	5.7	12.0	1.3
DIST 2	21,683	Total:	694,322	478,412	92,706	102,340	193,744	22,166		68.9	13.4	14.7	27.9	3.2
	(3.22%)	VAP:	490,177	354,413	59,541	61,434	120,362	15,402		72.3	12.1	12.5	24.6	3.1
Dallas (15%)			337,847	209,005	50,988	63,105	113,220	15,622		61.9	15.1	18.7	33.5	4.6
Delta (100%)			5,327	4,616	467	165	625	86		86.7	8.8	3.1	11.7	1.6
Fannin (100%)			31,242	26,298	2,559	1,753	4,297	647		84.2	8.2	5.6	13.8	2.1
Hopkins (100%)			31,960	25,946	2,620	2,967	5,548	466		81.2	8.2	9.3	17.4	1.5
Hunt (100%)			76,596	61,170	7,557	6,366	13,813	1,613		79.9	9.9	8.3	18.0	2.1
Kaufman (100%)			71,313	54,424	7,764	7,925	15,624	1,265		76.3	10.9	11.1	21.9	1.8
Rains (100%)			9,139	8,183	281	505	781	175		89.5	3.1	5.5	8.5	1.9
Rockwall (100%)			43,080	35,817	1,471	4,771	6,210	1,053		83.1	3.4	11.1	14.4	2.4
Smith (23%)			39,678	10,334	17,494	11,582	28,956	388		26.0	44.1	29.2	73.0	1.0
Van Zandt (100%)			48,140	42,619	1,505	3,201	4,670	851		88.5	3.1	6.6	9.7	1.8
DIST 3	28,645	Total:	701,284	531,252	91,116	69,369	159,575	10,457		75.8	13.0	9.9	22.8	1.5
	(4.26%)	VAP:	521,768	406,717	64,274	43,600	107,368	7,683		77.9	12.3	8.4	20.6	1.5
Anderson (100%)			55,109	34,762	13,091	6,705	19,731	616		63.1	23.8	12.2	35.8	1.1
Angelina (100%)			80,130	55,615	12,056	11,496	23,369	1,146		69.4	15.0	14.3	29.2	1.4
Cherokee (100%)			46,659	32,347	7,607	6,178	13,731	581		69.3	16.3	13.2	29.4	1.2
Hardin (100%)			48,073	42,941	3,370	1,223	4,571	561		89.3	7.0	2.5	9.5	1.2
Henderson (100%)			73,277	62,124	5,003	5,071	10,017	1,136		84.8	6.8	6.9	13.7	1.6
Jasper (100%)			35,604	27,320	6,440	1,384	7,779	505		76.7	18.1	3.9	21.8	1.4
Montgomery (44%)			128,588	98,861	7,379	20,462	27,660	2,067		76.9	5.7	15.9	21.5	1.6
Nacogdoches (100%)			59,203	41,620	10,077	6,660	16,633	950		70.3	17.0	11.2	28.1	1.6
Newton (100%)			15,072	11,157	3,155	571	3,707	208		74.0	20.9	3.8	24.6	1.4
Polk (100%)			41,133	30,723	5,507	3,861	9,291	1,119		74.7	13.4	9.4	22.6	2.7
Sabine (100%)			10,469	9,115	1,059	189	1,248	106		87.1	10.1	1.8	11.9	1.0
San Augustine (100%)			8,946	6,066	2,515	320	2,819	61		67.8	28.1	3.6	31.5	0.7
San Jacinto (100%)			22,246	17,972	2,872	1,084	3,920	354		80.8	12.9	4.9	17.6	1.6
Shelby (100%)			25,224	17,564	4,961	2,489	7,420	240		69.6	19.7	9.9	29.4	1.0
Smith (18%)			30,680	25,775	3,480	934	4,399	506		84.0	11.3	3.0	14.3	1.6
Tyler (100%)			20,871	17,290	2,544	742	3,280	301		82.8	12.2	3.6	15.7	1.4
DIST 4	-16,772	Total:	655,867	494,123	88,444	57,120	144,633	17,111		75.3	13.5	8.7	22.1	2.6
	(-2.49%)	VAP:	471,848	363,114	60,669	36,724	96,850	11,884		77.0	12.9	7.8	20.5	2.5
Chambers (100%)			26,031	20,210	2,616	2,810	5,397	424		77.6	10.0	10.8	20.7	1.6
Harris (3%)			115,167	96,077	5,292	10,417	15,599	3,491		83.4	4.6	9.0	13.5	3.0
Jefferson (77%)			194,369	112,303	60,525	16,472	76,449	5,617		57.8	31.1	8.5	39.3	2.9
Liberty (100%)			70,154	52,289	9,209	7,660	16,800	1,065		74.5	13.1	10.9	23.9	1.5
Montgomery (56%)			165,180	140,289	3,497	16,688	20,070	4,821		84.9	2.1	10.1	12.2	2.9

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

			2000 CENSUS POPULATION										
DEVIATION			TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	%A	%B	%H	%BH	%O
Orange (100%)			84,966	72,955	7,305	3,073	10,318	1,693	85.9	8.6	3.6	12.1	2.0
DIST 5	-7,425	Total:	665,214	458,549	82,081	104,862	185,566	21,099	68.9	12.3	15.8	27.9	3.2
	(-1.10%)	VAP:	495,709	355,073	57,362	68,222	124,930	15,706	71.6	11.6	13.8	25.2	3.2
Brazos (100%)			152,415	100,647	16,816	27,253	43,766	8,002	66.0	11.0	17.9	28.7	5.3
Burleson (100%)			16,470	11,361	2,531	2,411	4,896	213	69.0	15.4	14.6	29.7	1.3
Freestone (100%)			17,867	12,823	3,418	1,465	4,862	182	71.8	19.1	8.2	27.2	1.0
Grimes (100%)			23,552	14,772	4,768	3,787	8,510	270	62.7	20.2	16.1	36.1	1.1
Houston (100%)			23,185	14,775	6,529	1,739	8,231	179	63.7	28.2	7.5	35.5	0.8
Lee (100%)			15,657	10,724	1,941	2,848	4,759	174	68.5	12.4	18.2	30.4	1.1
Leon (100%)			15,335	12,366	1,618	1,213	2,817	152	80.6	10.6	7.9	18.4	1.0
Limestone (100%)			22,051	14,711	4,301	2,859	7,126	214	66.7	19.5	13.0	32.3	1.0
Madison (100%)			12,940	7,801	2,997	2,042	4,990	149	60.3	23.2	15.8	38.6	1.2
Milam (100%)			24,238	16,763	2,747	4,516	7,196	279	69.2	11.3	18.6	29.7	1.2
Robertson (100%)			16,000	9,580	3,914	2,359	6,225	195	59.9	24.5	14.7	38.9	1.2
Trinity (100%)			13,779	11,289	1,673	668	2,328	162	81.9	12.1	4.8	16.9	1.2
Walker (100%)			61,758	37,090	14,979	8,712	23,579	1,089	60.1	24.3	14.1	38.2	1.8
Williamson (100%)			249,967	183,847	13,849	42,990	56,281	9,839	73.5	5.5	17.2	22.5	3.9
DIST 6	-32,754	Total:	639,885	114,656	63,579	451,363	512,164	13,065	17.9	9.9	70.5	80.0	2.0
	(-4.87%)	VAP:	429,481	95,202	42,027	283,928	324,450	9,829	22.2	9.8	66.1	75.5	2.3
Harris (19%)			639,885	114,656	63,579	451,363	512,164	13,065	17.9	9.9	70.5	80.0	2.0
DIST 7	22,471	Total:	695,110	486,961	47,730	113,173	159,455	48,694	70.1	6.9	16.3	22.9	7.0
	(3.34%)	VAP:	503,413	363,818	31,397	74,106	104,716	34,879	72.3	6.2	14.7	20.8	6.9
Harris (20%)			695,110	486,961	47,730	113,173	159,455	48,694	70.1	6.9	16.3	22.9	7.0
DIST 8	4,470	Total:	677,109	474,601	40,721	96,954	136,462	66,046	70.1	6.0	14.3	20.2	9.8
	(0.66%)	VAP:	499,748	360,346	27,739	64,598	91,738	47,664	72.1	5.6	12.9	18.4	9.5
Collin (87%)			430,203	321,700	24,093	44,016	67,499	41,004	74.8	5.6	10.2	15.7	9.5
Dallas (11%)			246,906	152,901	16,628	52,938	68,963	25,042	61.9	6.7	21.4	27.9	10.1
DIST 9	10,730	Total:	683,369	379,083	84,504	166,628	248,971	55,315	55.5	12.4	24.4	36.4	8.1
	(1.60%)	VAP:	484,497	285,972	54,391	105,523	158,934	39,591	59.0	11.2	21.8	32.8	8.2
Dallas (12%)			267,755	128,838	29,540	91,334	119,950	18,967	48.1	11.0	34.1	44.8	7.1
Denton (49%)			210,413	156,109	15,177	22,745	37,546	16,758	74.2	7.2	10.8	17.8	8.0
Tarrant (14%)			205,201	94,136	39,787	52,549	91,475	19,590	45.9	19.4	25.6	44.6	9.5
DIST 10	32,236	Total:	704,875	399,005	117,630	161,733	277,371	28,499	56.6	16.7	22.9	39.4	4.0
	(4.79%)	VAP:	504,808	306,396	78,342	100,682	178,034	20,378	60.7	15.5	19.9	35.3	4.0
Tarrant (49%)			704,875	399,005	117,630	161,733	277,371	28,499	56.6	16.7	22.9	39.4	4.0
DIST 11	-2,264	Total:	670,375	438,871	64,375	134,957	197,768	33,736	65.5	9.6	20.1	29.5	5.0
	(-0.34%)	VAP:	483,941	329,874	44,158	86,654	130,099	23,968	68.2	9.1	17.9	26.9	5.0
Brazoria (66%)			158,768	104,855	13,422	34,861	47,960	5,953	66.0	8.5	22.0	30.2	3.7
Galveston (85%)			212,176	136,185	33,813	36,372	69,641	6,350	64.2	15.9	17.1	32.8	3.0
Harris (9%)			299,431	197,831	17,140	63,724	80,167	21,433	66.1	5.7	21.3	26.8	7.2
DIST 12	-5,286	Total:	667,353	509,070	39,950	86,478	125,379	32,904	76.3	6.0	13.0	18.8	4.9
	(-0.79%)	VAP:	482,056	378,766	26,129	54,801	80,428	22,862	78.6	5.4	11.4	16.7	4.7
Denton (30%)			131,210	106,958	4,778	15,470	20,077	4,175	81.5	3.6	11.8	15.3	3.2
Tarrant (37%)			536,143	402,112	35,172	71,008	105,302	28,729	75.0	6.6	13.2	19.6	5.4
DIST 13	-6,379	Total:	666,260	133,437	325,507	160,680	482,113	50,710	20.0	48.9	24.1	72.4	7.6
	(-0.95%)	VAP:	483,895	115,962	226,786	103,901	328,346	39,587	24.0	46.9	21.5	67.9	8.2
Fort Bend (22%)			77,337	11,304	41,502	19,858	60,842	5,191	14.6	53.7	25.7	78.7	6.7
Harris (17%)			588,923	122,133	284,005	140,822	421,271	45,519	20.7	48.2	23.9	71.5	7.7

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

			2000 CENSUS POPULATION											
DEVIATION			TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	%A	%B	%H	%BH	%O	
DIST 14	27,217 (4.05%)	Total:	699,856	380,654	75,121	203,673	275,844	43,358	54.4	10.7	29.1	39.4	6.2	
		VAP:	533,967	311,808	51,434	137,421	187,364	34,795	58.4	9.6	25.7	35.1	6.5	
Travis (86%)			699,856	380,654	75,121	203,673	275,844	43,358	54.4	10.7	29.1	39.4	6.2	
DIST 15	-6,295 (-0.94%)	Total:	666,344	225,273	173,164	234,554	404,687	36,384	33.8	26.0	35.2	60.7	5.5	
		VAP:	468,078	179,993	114,117	148,584	261,209	26,876	38.5	24.4	31.7	55.8	5.7	
Harris (20%)			666,344	225,273	173,164	234,554	404,687	36,384	33.8	26.0	35.2	60.7	5.5	
DIST 16	3,125 (0.46%)	Total:	675,764	360,899	85,529	186,648	270,317	44,548	53.4	12.7	27.6	40.0	6.6	
		VAP:	508,682	293,933	58,316	124,066	181,334	33,415	57.8	11.5	24.4	35.6	6.6	
Dallas (30%)			675,764	360,899	85,529	186,648	270,317	44,548	53.4	12.7	27.6	40.0	6.6	
DIST 17	29,937 (4.45%)	Total:	702,576	355,334	107,244	159,171	263,733	83,509	50.6	15.3	22.7	37.5	11.9	
		VAP:	503,583	268,652	71,691	104,483	174,683	60,248	53.3	14.2	20.7	34.7	12.0	
Brazoria (34%)			82,999	53,197	7,952	20,202	27,931	1,871	64.1	9.6	24.3	33.7	2.3	
Chambers (0%)			0	0	0	0	0	0						
Fort Bend (36%)			128,195	72,837	13,473	14,640	27,866	27,492	56.8	10.5	11.4	21.7	21.4	
Galveston (15%)			37,982	21,666	5,830	8,567	14,281	2,035	57.0	15.3	22.6	37.6	5.4	
Harris (12%)			395,718	189,333	54,380	105,698	158,188	48,197	47.8	13.7	26.7	40.0	12.2	
Jefferson (23%)			57,682	18,301	25,609	10,064	35,467	3,914	31.7	44.4	17.4	61.5	6.8	
DIST 18	-11,597 (-1.72%)	Total:	661,042	386,786	73,311	182,102	253,452	20,804	58.5	11.1	27.5	38.3	3.1	
		VAP:	473,776	294,144	50,724	115,680	165,569	14,063	62.1	10.7	24.4	34.9	3.0	
Aransas (100%)			22,497	16,596	373	4,571	4,915	986	73.8	1.7	20.3	21.8	4.4	
Austin (100%)			23,590	16,964	2,614	3,805	6,362	264	71.9	11.1	16.1	27.0	1.1	
Bastrop (100%)			57,733	37,764	5,327	13,845	18,966	1,003	65.4	9.2	24.0	32.9	1.7	
Caldwell (100%)			32,194	15,929	2,877	13,018	15,787	478	49.5	8.9	40.4	49.0	1.5	
Calhoun (100%)			20,647	10,774	596	8,448	9,000	873	52.2	2.9	40.9	43.6	4.2	
Colorado (100%)			20,390	13,165	3,075	4,024	7,033	192	64.6	15.1	19.7	34.5	0.9	
De Witt (100%)			20,013	12,168	2,265	5,452	7,647	198	60.8	11.3	27.2	38.2	1.0	
Fayette (100%)			21,804	17,271	1,562	2,786	4,312	221	79.2	7.2	12.8	19.8	1.0	
Fort Bend (42%)			148,920	79,647	17,192	40,373	57,189	12,084	53.5	11.5	27.1	38.4	8.1	
Goliad (100%)			6,928	4,115	349	2,439	2,764	49	59.4	5.0	35.2	39.9	0.7	
Gonzales (100%)			18,628	9,539	1,641	7,381	8,920	169	51.2	8.8	39.6	47.9	0.9	
Jackson (100%)			14,391	9,546	1,160	3,551	4,660	185	66.3	8.1	24.7	32.4	1.3	
Lavaca (100%)			19,210	15,579	1,357	2,183	3,502	129	81.1	7.1	11.4	18.2	0.7	
Matagorda (100%)			37,957	19,900	4,997	11,898	16,782	1,275	52.4	13.2	31.3	44.2	3.4	
Refugio (100%)			7,828	3,703	545	3,490	4,024	101	47.3	7.0	44.6	51.4	1.3	
Victoria (100%)			84,088	44,490	5,609	32,959	38,287	1,311	52.9	6.7	39.2	45.5	1.6	
Waller (100%)			32,663	16,289	9,706	6,344	15,963	411	49.9	29.7	19.4	48.9	1.3	
Washington (100%)			30,373	21,515	5,776	2,647	8,335	523	70.8	19.0	8.7	27.4	1.7	
Wharton (100%)			41,188	21,832	6,290	12,888	19,004	352	53.0	15.3	31.3	46.1	0.9	
DIST 19	-32,776 (-4.87%)	Total:	639,863	162,382	42,132	428,554	468,168	9,313	25.4	6.6	67.0	73.2	1.5	
		VAP:	438,510	128,891	29,868	274,140	302,848	6,771	29.4	6.8	62.5	69.1	1.5	
Bandera (100%)			17,645	14,833	81	2,384	2,449	363	84.1	0.5	13.5	13.9	2.1	
Bexar (24%)			335,367	70,072	37,701	224,209	260,203	5,092	20.9	11.2	66.9	77.6	1.5	
Brewster (100%)			8,866	4,710	138	3,867	3,967	189	53.1	1.6	43.6	44.7	2.1	
Crockett (100%)			4,099	1,792	36	2,242	2,266	41	43.7	0.9	54.7	55.3	1.0	
Culberson (100%)			2,975	733	22	2,149	2,168	74	24.6	0.7	72.2	72.9	2.5	
Edwards (100%)			2,162	1,161	30	974	977	24	53.7	1.4	45.1	45.2	1.1	
El Paso (6%)			38,832	1,448	180	36,855	36,907	477	3.7	0.5	94.9	95.0	1.2	
Hudspeth (100%)			3,344	770	12	2,509	2,516	58	23.0	0.4	75.0	75.2	1.7	
Jeff Davis (100%)			2,207	1,376	26	783	801	30	62.3	1.2	35.5	36.3	1.4	
Kinney (100%)			3,379	1,587	67	1,707	1,754	38	47.0	2.0	50.5	51.9	1.1	
Loving (100%)			67	60	0	7	7	0	89.6	0.0	10.4	10.4	0.0	
Maverick (100%)			47,297	1,610	193	44,938	44,997	690	3.4	0.4	95.0	95.1	1.5	

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

DEVIATION		2000 CENSUS POPULATION											
		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	%A	%B	%H	%BH	%O	
Medina (100%)		39,304	19,919	947	17,873	18,723	662	50.7	2.4	45.5	47.6	1.7	
Pecos (100%)		16,809	5,607	756	10,262	10,969	233	33.4	4.5	61.1	65.3	1.4	
Presidio (100%)		7,304	1,079	27	6,162	6,177	48	14.8	0.4	84.4	84.6	0.7	
Real (100%)		3,047	2,306	10	688	695	46	75.7	0.3	22.6	22.8	1.5	
Reeves (100%)		13,137	3,131	295	9,640	9,893	113	23.8	2.2	73.4	75.3	0.9	
Sutton (100%)		4,077	1,934	16	2,106	2,118	25	47.4	0.4	51.7	51.9	0.6	
Terrell (100%)		1,081	529	0	525	525	27	48.9	0.0	48.6	48.6	2.5	
Uvalde (100%)		25,926	8,471	140	17,089	17,182	273	32.7	0.5	65.9	66.3	1.1	
Val Verde (100%)		44,856	9,734	779	33,849	34,511	611	21.7	1.7	75.5	76.9	1.4	
Ward (100%)		10,909	5,695	530	4,580	5,071	143	52.2	4.9	42.0	46.5	1.3	
Winkler (100%)		7,173	3,825	146	3,156	3,292	56	53.3	2.0	44.0	45.9	0.8	
DIST 20	4,140 (0.62%)	Total: VAP:	676,779 462,963	163,775 129,634	17,231 11,424	486,661 314,844	502,002 325,415	11,002 7,914	24.2 28.0	2.5 2.5	71.9 68.0	74.2 70.3	1.6 1.7
Brooks (100%)		7,976	633	24	7,304	7,309	34	7.9	0.3	91.6	91.6	0.4	
Hidalgo (55%)		315,832	35,963	2,455	274,634	276,397	3,472	11.4	0.8	87.0	87.5	1.1	
Jim Wells (100%)		39,326	9,001	280	29,772	29,962	363	22.9	0.7	75.7	76.2	0.9	
Nueces (100%)		313,645	118,178	14,472	174,951	188,334	7,133	37.7	4.6	55.8	60.0	2.3	
DIST 21	-33,114 (-4.92%)	Total: VAP:	639,525 435,429	173,193 133,030	30,596 21,190	427,861 275,036	456,101 295,052	10,231 7,347	27.1 30.6	4.8 4.9	66.9 63.2	71.3 67.8	1.6 1.7
Atascosa (100%)		38,628	15,284	286	22,620	22,828	516	39.6	0.7	58.6	59.1	1.3	
Bee (100%)		32,359	11,352	3,263	17,450	20,622	385	35.1	10.1	53.9	63.7	1.2	
Bexar (9%)		119,123	60,997	20,017	33,714	52,769	5,357	51.2	16.8	28.3	44.3	4.5	
Dummit (100%)		10,248	1,350	114	8,708	8,784	114	13.2	1.1	85.0	85.7	1.1	
Duval (100%)		13,120	1,452	81	11,544	11,603	65	11.1	0.6	88.0	88.4	0.5	
Frio (100%)		16,252	3,344	815	11,987	12,766	142	20.6	5.0	73.8	78.6	0.9	
Jim Hogg (100%)		5,281	474	28	4,752	4,777	30	9.0	0.5	90.0	90.5	0.6	
Karnes (100%)		15,446	6,309	1,717	7,324	8,953	184	40.8	11.1	47.4	58.0	1.2	
La Salle (100%)		5,866	1,114	211	4,524	4,718	34	19.0	3.6	77.1	80.4	0.6	
Live Oak (100%)		12,309	7,199	306	4,683	4,966	144	58.5	2.5	38.0	40.3	1.2	
McMullen (100%)		851	556	10	282	292	3	65.3	1.2	33.1	34.3	0.4	
San Patricio (100%)		67,138	30,749	2,156	33,181	35,121	1,268	45.8	3.2	49.4	52.3	1.9	
Starr (100%)		53,597	1,082	102	52,278	52,285	230	2.0	0.2	97.5	97.6	0.4	
Webb (100%)		193,117	9,508	913	182,070	182,401	1,208	4.9	0.5	94.3	94.5	0.6	
Wilson (100%)		32,408	19,728	454	11,834	12,238	442	60.9	1.4	36.5	37.8	1.4	
Zapata (100%)		12,182	1,771	59	10,328	10,350	61	14.5	0.5	84.8	85.0	0.5	
Zavala (100%)		11,600	924	64	10,582	10,628	48	8.0	0.6	91.2	91.6	0.4	
DIST 22	15,161 (2.25%)	Total: VAP:	687,800 499,517	490,752 371,729	80,169 54,001	103,948 63,973	182,394 117,212	14,654 10,576	71.4 74.4	11.7 10.8	15.1 12.8	26.5 23.5	2.1 2.1
Bosque (100%)		17,204	14,507	369	2,104	2,457	240	84.3	2.1	12.2	14.3	1.4	
Coryell (100%)		74,978	45,381	17,363	9,424	26,240	3,357	60.5	23.2	12.6	35.0	4.5	
Ellis (100%)		111,360	79,401	9,923	20,508	30,262	1,697	71.3	8.9	18.4	27.2	1.5	
Falls (100%)		18,576	10,364	5,146	2,941	8,037	175	55.8	27.7	15.8	43.3	0.9	
Hill (100%)		32,321	25,079	2,482	4,360	6,793	449	77.6	7.7	13.5	21.0	1.4	
Hood (100%)		41,100	37,193	193	2,975	3,137	770	90.5	0.5	7.2	7.6	1.9	
Johnson (100%)		126,811	105,460	3,487	15,375	18,685	2,666	83.2	2.7	12.1	14.7	2.1	
McLennan (100%)		213,517	138,008	33,409	38,233	71,075	4,434	64.6	15.6	17.9	33.3	2.1	
Navarro (100%)		45,124	29,596	7,767	7,113	14,770	758	65.6	17.2	15.8	32.7	1.7	
Somervell (100%)		6,809	5,763	30	915	938	108	84.6	0.4	13.4	13.8	1.6	
DIST 23	17,988 (2.67%)	Total: VAP:	690,627 478,202	131,674 111,896	279,924 190,798	268,704 167,341	545,557 356,495	13,396 9,811	19.1 23.4	40.5 39.9	38.9 35.0	79.0 74.5	1.9 2.1
Dallas (31%)		690,627	131,674	279,924	268,704	545,557	13,396	19.1	40.5	38.9	79.0	1.9	
DIST 24	-2,797 (-0.42%)	Total: VAP:	669,842 494,185	477,426 371,855	66,958 42,503	108,624 66,819	172,656 107,964	19,760 14,366	71.3 75.2	10.0 8.6	16.2 13.5	25.8 21.8	2.9 2.9

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

		-----2000 CENSUS POPULATION-----												
DEVIATION			TOTAL	ANGLO	BLACK	HISP	B+H	OTHER		%A	%B	%H	%BH	%O
Bell (100%)			237,974	136,241	52,225	39,701	89,793	11,940		57.3	21.9	16.7	37.7	5.0
Blanco (100%)			8,418	6,912	74	1,290	1,361	145		82.1	0.9	15.3	16.2	1.7
Brown (100%)			37,674	29,772	1,606	5,793	7,356	546		79.0	4.3	15.4	19.5	1.4
Burnet (100%)			34,147	28,017	594	5,044	5,604	526		82.0	1.7	14.8	16.4	1.5
Callahan (100%)			12,905	11,822	48	812	856	227		91.6	0.4	6.3	6.6	1.8
Coleman (100%)			9,235	7,599	225	1,289	1,507	129		82.3	2.4	14.0	16.3	1.4
Comanche (100%)			14,026	10,846	83	2,928	2,997	183		77.3	0.6	20.9	21.4	1.3
Eastland (100%)			18,297	15,686	429	1,976	2,397	214		85.7	2.3	10.8	13.1	1.2
Erath (100%)			33,001	27,269	318	4,959	5,256	476		82.6	1.0	15.0	15.9	1.4
Gillespie (100%)			20,814	17,232	64	3,309	3,348	234		82.8	0.3	15.9	16.1	1.1
Hamilton (100%)			8,229	7,498	20	610	629	102		91.1	0.2	7.4	7.6	1.2
Kerr (100%)			43,653	33,802	850	8,353	9,138	713		77.4	1.9	19.1	20.9	1.6
Kimble (100%)			4,468	3,481	10	926	930	57		77.9	0.2	20.7	20.8	1.3
Lampasas (100%)			17,762	14,121	613	2,677	3,235	406		79.5	3.5	15.1	18.2	2.3
Llano (100%)			17,044	15,869	65	875	937	238		93.1	0.4	5.1	5.5	1.4
McCulloch (100%)			8,205	5,792	141	2,219	2,344	69		70.6	1.7	27.0	28.6	0.8
Mason (100%)			3,738	2,912	7	783	789	37		77.9	0.2	20.9	21.1	1.0
Menard (100%)			2,360	1,567	17	748	758	35		66.4	0.7	31.7	32.1	1.5
Mills (100%)			5,151	4,367	71	671	738	46		84.8	1.4	13.0	14.3	0.9
San Saba (100%)			6,186	4,622	172	1,333	1,496	68		74.7	2.8	21.5	24.2	1.1
Taylor (100%)			126,555	91,999	9,326	22,328	31,187	3,369		72.7	7.4	17.6	24.6	2.7
DIST 25	26,764 (3.98%)	Total: VAP:	699,403 520,255	466,576 362,222	29,936 20,028	183,062 122,882	211,074 142,037	21,753 15,996		66.7 69.6	4.3 3.8	26.2 23.6	30.2 27.3	3.1 3.1
Bexar (21%)			298,603	196,161	15,354	77,410	91,788	10,654		65.7	5.1	25.9	30.7	3.6
Comal (100%)			78,021	58,345	909	17,609	18,413	1,263		74.8	1.2	22.6	23.6	1.6
Guadalupe (100%)			89,023	52,858	4,825	29,561	34,142	2,023		59.4	5.4	33.2	38.4	2.3
Hays (100%)			97,589	62,945	3,947	28,859	32,541	2,103		64.5	4.0	29.6	33.3	2.2
Kendall (100%)			23,743	19,104	113	4,248	4,331	308		80.5	0.5	17.9	18.2	1.3
Travis (14%)			112,424	77,163	4,788	25,375	29,859	5,402		68.6	4.3	22.6	26.6	4.8
DIST 26	-32,801 (-4.88%)	Total: VAP:	639,838 458,721	169,015 136,408	34,781 23,367	421,700 287,155	453,231 309,049	17,592 13,264		26.4 29.7	5.4 5.1	65.9 62.6	70.8 67.4	2.7 2.9
Bexar (46%)			639,838	169,015	34,781	421,700	453,231	17,592		26.4	5.4	65.9	70.8	2.7
DIST 27	-31,736 (-4.72%)	Total: VAP:	640,903 421,364	83,570 70,269	4,632 2,948	549,373 345,317	552,266 347,359	5,067 3,736		13.0 16.7	0.7 0.7	85.7 82.0	86.2 82.4	0.8 0.9
Cameron (100%)			335,227	48,679	2,030	282,736	283,758	2,790		14.5	0.6	84.3	84.6	0.8
Hidalgo (45%)			253,631	23,460	872	228,466	228,788	1,383		9.2	0.3	90.1	90.2	0.5
Kenedy (100%)			414	84	3	327	327	3		20.3	0.7	79.0	79.0	0.7
Kleberg (100%)			31,549	8,997	1,260	20,635	21,774	778		28.5	4.0	65.4	69.0	2.5
Willacy (100%)			20,082	2,350	467	17,209	17,619	113		11.7	2.3	85.7	87.7	0.6
DIST 28	1,251 (0.19%)	Total: VAP:	673,890 496,874	417,316 330,090	42,860 29,631	203,915 129,178	245,041 158,170	11,533 8,614		61.9 66.4	6.4 6.0	30.3 26.0	36.4 31.8	1.7 1.7
Armstrong (100%)			2,148	2,008	7	116	121	19		93.5	0.3	5.4	5.6	0.9
Borden (100%)			729	624	1	87	88	17		85.6	0.1	11.9	12.1	2.3
Briscoe (100%)			1,790	1,319	48	407	450	21		73.7	2.7	22.7	25.1	1.2
Carson (100%)			6,516	5,904	53	458	511	101		90.6	0.8	7.0	7.8	1.6
Castro (100%)			8,285	3,765	212	4,279	4,476	44		45.4	2.6	51.6	54.0	0.5
Childress (100%)			7,688	4,923	1,116	1,574	2,677	88		64.0	14.5	20.5	34.8	1.1
Coke (100%)			3,864	3,079	79	653	731	54		79.7	2.0	16.9	18.9	1.4
Collingsworth (100%)			3,206	2,289	176	655	826	91		71.4	5.5	20.4	25.8	2.8
Concho (100%)			3,966	2,265	43	1,639	1,679	22		57.1	1.1	41.3	42.3	0.6
Cottle (100%)			1,904	1,348	199	360	544	12		70.8	10.5	18.9	28.6	0.6
Crosby (100%)			7,072	3,301	291	3,460	3,731	40		46.7	4.1	48.9	52.8	0.6
Dawson (100%)			14,985	6,349	1,325	7,222	8,524	112		42.4	8.8	48.2	56.9	0.7
Dickens (100%)			2,762	1,857	231	660	883	22		67.2	8.4	23.9	32.0	0.8

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

DEVIATION		-----2000 CENSUS POPULATION-----										
		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER	%A	%B	%H	%BH	%O
Donley (100%)		3,828	3,372	169	243	410	46	88.1	4.4	6.3	10.7	1.2
Fisher (100%)		4,344	3,250	128	928	1,046	48	74.8	2.9	21.4	24.1	1.1
Floyd (100%)		7,771	3,875	277	3,569	3,829	67	49.9	3.6	45.9	49.3	0.9
Foard (100%)		1,622	1,277	56	265	320	25	78.7	3.5	16.3	19.7	1.5
Garza (100%)		4,872	2,760	262	1,810	2,055	57	56.7	5.4	37.2	42.2	1.2
Gray (100%)		22,744	17,800	1,419	2,959	4,343	601	78.3	6.2	13.0	19.1	2.6
Hale (100%)		36,602	16,526	2,226	17,532	19,649	427	45.2	6.1	47.9	53.7	1.2
Hall (100%)		3,782	2,397	321	1,040	1,347	38	63.4	8.5	27.5	35.6	1.0
Hardeman (100%)		4,724	3,731	237	685	920	73	79.0	5.0	14.5	19.5	1.5
Haskell (100%)		6,093	4,600	191	1,249	1,423	70	75.5	3.1	20.5	23.4	1.1
Hockley (100%)		22,716	13,155	903	8,459	9,326	235	57.9	4.0	37.2	41.1	1.0
Irion (100%)		1,771	1,321	7	436	440	10	74.6	0.4	24.6	24.8	0.6
Jones (100%)		20,785	13,752	2,430	4,346	6,745	288	66.2	11.7	20.9	32.5	1.4
Kent (100%)		859	777	2	78	80	2	90.5	0.2	9.1	9.3	0.2
King (100%)		356	315	0	34	34	7	88.5	0.0	9.6	9.6	2.0
Knox (100%)		4,253	2,829	312	1,067	1,375	49	66.5	7.3	25.1	32.3	1.2
Lamb (100%)		14,709	7,553	684	6,393	7,038	118	51.3	4.7	43.5	47.8	0.8
Lubbock (100%)		242,628	151,705	19,513	66,609	85,394	5,529	62.5	8.0	27.5	35.2	2.3
Lynn (100%)		6,550	3,377	201	2,923	3,101	72	51.6	3.1	44.6	47.3	1.1
Mitchell (100%)		9,698	5,341	1,260	3,009	4,252	105	55.1	13.0	31.0	43.8	1.1
Motley (100%)		1,426	1,172	60	173	230	24	82.2	4.2	12.1	16.1	1.7
Nolan (100%)		15,802	10,480	811	4,431	5,200	122	66.3	5.1	28.0	32.9	0.8
Reagan (100%)		3,326	1,545	114	1,646	1,748	33	46.5	3.4	49.5	52.6	1.0
Runnels (100%)		11,495	7,793	193	3,372	3,556	146	67.8	1.7	29.3	30.9	1.3
Schleicher (100%)		2,935	1,595	54	1,278	1,315	25	54.3	1.8	43.5	44.8	0.9
Scurry (100%)		16,361	10,672	1,030	4,544	5,549	140	65.2	6.3	27.8	33.9	0.9
Sterling (100%)		1,393	955	1	432	433	5	68.6	0.1	31.0	31.1	0.4
Stonewall (100%)		1,693	1,412	60	199	256	25	83.4	3.5	11.8	15.1	1.5
Swisher (100%)		8,378	4,849	507	2,951	3,446	83	57.9	6.1	35.2	41.1	1.0
Terry (100%)		12,761	6,351	680	5,626	6,267	143	49.8	5.3	44.1	49.1	1.1
Tom Green (100%)		104,010	65,508	4,757	31,946	36,363	2,139	63.0	4.6	30.7	35.0	2.1
Upton (100%)		3,404	1,854	62	1,449	1,504	46	54.5	1.8	42.6	44.2	1.4
Wheeler (100%)		5,284	4,386	152	664	806	92	83.0	2.9	12.6	15.3	1.7
DIST 29	-31,849 (-4.73%)	Total: 640,790 VAP: 438,681	114,087 90,344	23,302 15,107	494,799 325,852	514,832 339,519	11,871 8,818	17.8 20.6	3.6 3.4	77.2 74.3	80.3 77.4	1.9 2.0
El Paso (94%)		640,790	114,087	23,302	494,799	514,832	11,871	17.8	3.6	77.2	80.3	1.9
DIST 30	22,400 (3.33%)	Total: 695,039 VAP: 514,077	566,913 429,160	36,864 25,831	72,973 45,381	108,894 70,800	19,232 14,117	81.6 83.5	5.3 5.0	10.5 8.8	15.7 13.8	2.8 2.7
Archer (100%)		8,854	8,263	17	431	446	145	93.3	0.2	4.9	5.0	1.6
Baylor (100%)		4,093	3,511	142	382	522	60	85.8	3.5	9.3	12.8	1.5
Clay (100%)		11,006	10,317	50	404	451	238	93.7	0.5	3.7	4.1	2.2
Collin (13%)		61,472	52,416	1,273	6,494	7,724	1,332	85.3	2.1	10.6	12.6	2.2
Cooke (100%)		36,363	30,826	1,200	3,627	4,792	745	84.8	3.3	10.0	13.2	2.0
Denton (21%)		91,353	65,782	7,259	14,404	21,509	4,062	72.0	7.9	15.8	23.5	4.4
Grayson (100%)		110,595	92,857	6,977	7,519	14,364	3,374	84.0	6.3	6.8	13.0	3.1
Jack (100%)		8,763	7,468	488	691	1,173	122	85.2	5.6	7.9	13.4	1.4
Montague (100%)		19,117	17,717	49	1,035	1,070	330	92.7	0.3	5.4	5.6	1.7
Palo Pinto (100%)		27,026	22,163	709	3,667	4,348	515	82.0	2.6	13.6	16.1	1.9
Parker (100%)		88,495	78,980	1,718	6,211	7,883	1,632	89.2	1.9	7.0	8.9	1.8
Shackelford (100%)		3,302	3,014	19	251	262	26	91.3	0.6	7.6	7.9	0.8
Stephens (100%)		9,674	7,861	300	1,418	1,713	100	81.3	3.1	14.7	17.7	1.0
Throckmorton (100%)		1,850	1,655	1	173	174	21	89.5	0.1	9.4	9.4	1.1
Wichita (100%)		131,664	96,490	14,370	16,097	30,069	5,105	73.3	10.9	12.2	22.8	3.9
Wilbarger (100%)		14,676	10,083	1,351	3,015	4,338	255	68.7	9.2	20.5	29.6	1.7
Wise (100%)		48,793	41,991	695	5,248	5,909	893	86.1	1.4	10.8	12.1	1.8
Young (100%)		17,943	15,519	246	1,906	2,147	277	86.5	1.4	10.6	12.0	1.5

POPULATION ANALYSIS WITH COUNTY SUBTOTALS
SENATE DISTRICTS - PLAN 01188S

		2000 CENSUS POPULATION											
DEVIATION		TOTAL	ANGLO	BLACK	HISP	B+H	OTHER		%A	%B	%H	%BH	%O
DIST 31	-17,402 (-2.59%)	Total: VAP:	655,237 464,188	408,651 310,971	32,883 21,386	200,841 122,115	232,128 142,872	14,458 10,345	62.4 67.0	5.0 4.6	30.7 26.3	35.4 30.8	2.2 2.2
Andrews (100%)			13,004	7,322	244	5,202	5,413	269	56.3	1.9	40.0	41.6	2.1
Bailey (100%)			6,594	3,317	96	3,119	3,204	73	50.3	1.5	47.3	48.6	1.1
Cochran (100%)			3,730	1,864	192	1,646	1,829	37	50.0	5.1	44.1	49.0	1.0
Crane (100%)			3,996	2,083	126	1,753	1,872	41	52.1	3.2	43.9	46.8	1.0
Dallam (100%)			6,222	4,257	118	1,766	1,875	90	68.4	1.9	28.4	30.1	1.4
Deaf Smith (100%)			18,561	7,491	314	10,654	10,915	155	40.4	1.7	57.4	58.8	0.8
Ector (100%)			121,123	62,168	5,972	51,306	56,915	2,040	51.3	4.9	42.4	47.0	1.7
Gaines (100%)			14,467	8,803	346	5,175	5,492	172	60.8	2.4	35.8	38.0	1.2
Glasscock (100%)			1,406	955	8	420	427	24	67.9	0.6	29.9	30.4	1.7
Hansford (100%)			5,369	3,604	17	1,690	1,700	65	67.1	0.3	31.5	31.7	1.2
Hartley (100%)			5,537	4,270	457	758	1,209	58	77.1	8.3	13.7	21.8	1.0
Hemphill (100%)			3,351	2,722	53	522	575	54	81.2	1.6	15.6	17.2	1.6
Howard (100%)			33,627	19,096	1,489	12,597	13,958	573	56.8	4.4	37.5	41.5	1.7
Hutchinson (100%)			23,857	19,104	620	3,506	4,099	654	80.1	2.6	14.7	17.2	2.7
Lipscomb (100%)			3,057	2,344	19	633	647	66	76.7	0.6	20.7	21.2	2.2
Martin (100%)			4,746	2,696	92	1,925	2,007	43	56.8	1.9	40.6	42.3	0.9
Midland (100%)			116,009	72,015	8,476	33,676	41,884	2,110	62.1	7.3	29.0	36.1	1.8
Moore (100%)			20,121	10,038	155	9,558	9,655	428	49.9	0.8	47.5	48.0	2.1
Ochiltree (100%)			9,006	5,972	16	2,863	2,873	161	66.3	0.2	31.8	31.9	1.8
Oldham (100%)			2,185	1,852	49	241	290	43	84.8	2.2	11.0	13.3	2.0
Parmer (100%)			10,016	4,876	122	4,927	5,028	112	48.7	1.2	49.2	50.2	1.1
Potter (100%)			113,546	65,470	11,994	31,921	43,485	4,591	57.7	10.6	28.1	38.3	4.0
Randall (100%)			104,312	89,426	1,780	10,718	12,400	2,486	85.7	1.7	10.3	11.9	2.4
Roberts (100%)			887	850	3	28	31	6	95.8	0.3	3.2	3.5	0.7
Sherman (100%)			3,186	2,263	19	874	890	33	71.0	0.6	27.4	27.9	1.0
Yoakum (100%)			7,322	3,793	106	3,363	3,455	74	51.8	1.4	45.9	47.2	1.0